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NEW DELHI, SATURDAY, SEPTEMBER 26, 1992/ASVINA 4, 1914

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as
a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii) PART II—Section 3—Sub-Section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किये गये सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications issued by the Ministries of the Government of India (other than
the Ministry of Defence)

गृह मंत्रालय
(राजभाषा विभाग)

नई दिल्ली, 17 अगस्त, 1992.

MINISTRY OF HOME AFFAIRS
(Department of Official Language)

New Delhi, the 17th August, 1992

का.आ. 2435 :—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप नियम (4) के अनुसरण में राजभाषा विभाग के निम्नलिखित कार्यालयों को, जिनके कर्मचारीवृन्द ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है :—

1. केन्द्रीय हिन्दी प्रशिक्षण संस्थान, नई दिल्ली
2. केन्द्रीय हिन्दी प्रशिक्षण उपसंस्थान, बम्बई
3. केन्द्रीय हिन्दी प्रशिक्षण उपसंस्थान, कलकत्ता
4. केन्द्रीय हिन्दी प्रशिक्षण उपसंस्थान, बैंगलूर
5. केन्द्रीय हिन्दी प्रशिक्षण उपसंस्थान, मद्रास
6. केन्द्रीय हिन्दी प्रशिक्षण उपसंस्थान, हैदराबाद

S.O. 2435.—In pursuance of Sub-Rule (4) of Rule 10 of the Official Language (Use for official purpose of the Union) Rules, 1976, the Central Government hereby notifies the following offices of the Department of Official Language, the staff whereof have acquired working knowledge of Hindi :—

1. Kendriya Hindi Prashikshan Sansthan, New Delhi.
2. Kendriya Hindi Prashikshan Upsanstan, Bombay.
3. Kendriya Hindi Prashikshan Upsanstan, Calcutta.
4. Kendriya Hindi Prashikshan Upsanstan, Bangalore.
5. Kendriya Hindi Prashikshan Upsanstan, Madras.
6. Kendriya Hindi Prashikshan Upsanstan, Hyderabad.

[सं. 18015/50/92-केहिप्र.सं.]

एस.एस. मेहरा, उप सचिव

[No. 18015/50/92-KHPS]

S. S. MEHRA, Dy. Secy.

वित्त मंत्रालय

(राजस्व विभाग)

नई दिल्ली, 17 अगस्त, 1992

का. प्रा. 2436:—अध्यकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खण्ड (23) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्द्वारा "दि बाम्बे हॉकी एसोसिएशन लि., बम्बई को" 1989-90 के कर-निर्धारण वर्ष के लिए निम्नलिखित शर्तों के अध्वधीन रहते हुए उक्त खण्ड के प्रयोजनार्थ अधिसूचित करती है, अर्थात्:—

- (i) कर-निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन इस प्रकार के संचयन हेतु उक्त खण्ड (23) द्वारा यथासंशोधित धारा 11 की उपधारा (2) तथा (3) के उपबंधों के अनुकूल पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है;
- (ii) कर-निर्धारिती ऊपर उल्लिखित कर-निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक वंग अथवा तरीकों से भिन्न तरीकों से उसको निधि (जैवर जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु, जिसे उपर्युक्त खण्ड (23) के तिसरे परन्तुक के अधीन बोर्ड द्वारा अधिसूचित किया जाए, के रूप में प्राप्त तथा रख-रखाव में स्वेच्छिक संग्रहण से भिन्न का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;
- (iii) कर-निर्धारिती अपने सदस्यों को किसी भी तरीके से अपनी आय के किसी भाग का संवितरण अपने से संबद्ध किसी एसोसिएशन अथवा संस्था को अनुदान के अलावा नहीं करेगा; और
- (iv) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जोकि कारोबार से प्राप्त लाभ तथा अमिलाभ हों जब तक कि ऐसा कारोबार उक्त कर-निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में प्रलग से लेखा-नुस्तिर्काह नहीं रखी जाती हों।

[अधिसूचना संख्या 9069/फा.सं. 196/3/90-आ.फ. (नि. 1)]

केशव देव, अवर सचिव

MINISTRY OF FINANCE

(Department of Revenue)

New Delhi, the 17th August, 1992

S.O. 2436.—In exercise of the powers conferred by clause (23) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the "The Bombay Hockey Association Limited, Bombay" for the purpose of the said clause for assessment year 1989-90 subject to the following conditions, namely:—

- (i) the assessee will apply its income, or accumulate it for application, in consonance with the provisions of sub-section (2) and (3) of section 11 a modified by the said clause (23) for such accumulation wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture or any other article as may be notified by the Board under the third provision to the aforesaid clause (23) for any period during the previous year(s) relevant to the assessment year(s) mentioned above

otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;

- (iii) the assessee will not distribute any part of its income in any manner to its members except as grants to any association or institution affiliated to it; and
- (iv) this notification will not apply in relation to any income, being profits and gains of business, unless the business is incidental to the attachment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 9069/F. No. 196/3/90-IT(A1)]

KESHAV DEV, Dy. Secy.

आदेश

नई दिल्ली, 26 अगस्त, 1992

स्टाम्प

का. प्रा. 2437:—भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उपधारा (1) के खण्ड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्द्वारा उस शुल्क को माफ करती है जो भारतीय न्यूक्लियर पावर निगम लि. द्वारा जारी किए जाने वाले मात्र पांच सौ और छियासी करोड़ रुपये के कुल मूल्य के 17% 17.5% गैर-संचयी सुरक्षित विमोक्ष्य बंधन—7 वर्षीय और 9% (कर मुक्त) गैर-संचयी सुरक्षित विमोक्ष्य बंधन 10 वर्षीय के रूप में वर्णित प्रोमिसरी नोट के स्वरूप के बंधपत्रों पर उक्त अधिनियम के अंतर्गत प्रभावी है।

[सं. 18/92-स्टाम्प-फा.सं. 33/28/92-वि.क.]

आत्मा राम, अवर सचिव

ORDER

New Delhi, the 26th August, 1992

STAMPS

S.O. 2437.—In exercise of the powers conferred by clause (a) of sub-section (1) of section 9 of the Indian Stamp Act, 1899, the Central Government hereby remits the duty with which the bonds in the nature of promissory notes described as 17 per cent/17.5 per cent Non-Cumulative Secured Redeemable Bonds-7 years and 9 per cent (tax free) Non-Cumulative Secured Redeemable Bonds—10 years of the aggregate value of rupees five hundred and eighty-six crores only to be issued by the Nuclear Power Corporation of India Ltd. are chargeable under the said Act.

[No. 18/92-Stamp&F. No. 33/28/92-ST.]

ATMA RAM, Under Secy.

आदेश

नई दिल्ली, 26 अगस्त, 1992

स्टाम्प

का. प्रा. 2438:—भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उपधारा (1) के खण्ड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्द्वारा उस शुल्क को माफ करती है जो पावर फाइनैस कॉर्पोरेशन लि. द्वारा जारी किए जाने वाले मात्र एक सौ पचास करोड़ रुपये के मूल्य के 17% पी.एफ. सी. बण्ड (प्रथम श्रेणी) के रूप में वर्णित प्रोमिसरी नोटों के स्वरूप में बंधपत्रों पर उक्त अधिनियम के अंतर्गत प्रभावी है।

[सं. 17/92-स्टा.-फा.सं. 33/16/92-वि.क.]

आत्माराम, अवर सचिव

ORDER

New Delhi, the 26th August, 1992

STAMPS

S.O. 2438.—In exercise of the powers conferred by clause (a) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby remits the duty with which the bonds in the nature of promissory notes described as 17% PFC Bonds (1st Series) of the value of rupees one hundred and fifty crores only to be issued by Power Finance Corporation Ltd. are chargeable under the said Act.

[No. 17/92-Stamp-F. No. 33/16/92-ST]

ATMA RAM, Under Secy.

आदेश

नई दिल्ली, 24 अगस्त, 1992

स्टाम्प

का.आ. 2439:—भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 का उपधारा (1) के खण्ड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा उस शुल्क को माफ करती है जो भारतीय रेलवे धन निगम लि., नई दिल्ली द्वारा जारी किए जाने वाले मान एक सौ करोड़ रुपये के मूल्य के 9% बर मुक्त बाण्डों के रूप में वर्णित ऋण-पत्रों के स्वरूप के बन्धनों पर उक्त अधिनियम के अंतर्गत प्रभावी है।

[सं. 14/92-स्टाम्प-फाईल सं. 33/32/92-बि.क.]

आरमा राम, अवर सचिव

ORDER

New Delhi, the 24th August, 1992

STAMPS

S.O. 2439.—In exercise of the powers conferred by clause (a) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby remits the duty with which the bonds in the nature of debentures—described as 9% tax free bonds of the value of rupees one hundred crores only to be issued by Indian Railway Finance Corporation Limited, New Delhi are chargeable under the said Act.

[No. 14/92-Stamp-F. No. 33/32/92-ST]

ATMA RAM, Under Secy.

आदेश

नई दिल्ली, 26 अगस्त, 1992

स्टाम्प

का.आ. 2440:—भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उपधारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा गुजरात औद्योगिक विकास निगम, अहमदाबाद की मात्र छियानवे हजार छः सौ रुपये का समेकित स्टाम्प शुल्क अर्वा करने की अनुमति प्रदान करती है जो कि उक्त निगम द्वारा जारी किए जाने वाले मात्र एक करोड़ और अर्द्धसौ लाख रुपये के कुल मूल्य के एक-एक लाख रुपये के अंकित मूल्य के 1 से 128 तक की संख्या वाले ऋण-पत्रों के रूप में 12% बाण्ड शृंखला 2012 पर प्रभावी है।

[सं. 15/92-स्टा.फा.सं. 33/41/92-बि.क.]

आरमा राम, अवर सचिव

ORDER

New Delhi, the 26th August, 1992

STAMPS

S.O. 2440.—In exercise of the powers conferred by clause (b) of sub-section (1) of Section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby permits the Gujarat Industrial Development Corporation, Ahmedabad to pay consolidated stamp duty of rupees ninety six thousand six hundred only, chargeable on 12% bonds 2012 series bearing distinctive numbers 1 to 128 in the form of debentures of the face value of rupees one lakh each and of the aggregate value of rupees one crore and twenty eight lakh only to be issued by the said corporation.

[No. 15/92-Stamp-F. No. 33/41/92-ST]

ATMA RAM, Under Secy.

आदेश

नई दिल्ली, 26 अगस्त, 1992

स्टाम्प

का.आ. 2441:—भारतीय स्टाम्प अधिनियम 1899 (1899 का 2) की धारा 9 की उपधारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा ईस्ट इंडिया होटलस लि., कलकत्ता को मात्र सवारह लाख पच्चीस हजार रुपये की समेकित स्टाम्प शुल्क अर्वा करने की अनुमति प्रदान करती है जो उक्त कंपनी द्वारा जारी किए जाने वाले पन्द्रह करोड़ रुपये के कुल मूल्य के 100-100 रुपये के 1 से 1500000 की विशिष्ट संख्या वाले 14% सुरक्षित अचलितनीय ऋण-पत्र 1991—पी.पी.डी. के 15,00,000 पर प्रभावी है।

[सं. 16/92-स्टा.-फा.सं. 33/59.91-बि.क.]

आरमा राम, अवर सचिव

ORDER

New Delhi, the 26th August, 1992

STAMPS

S.O. 2441.—In exercise of the powers conferred by clause (b) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby permits the East India Hotels Limited, Calcutta to pay consolidated stamp duty of rupees eleven lakhs twenty five thousand only, chargeable on 15,00,000—14% Secured Non-Convertible Debentures 1991—PPD of Rs. 100/- each bearing distinctive numbers 0000001 to 1500000 of the aggregate value of rupees fifteen crores to be issued by the said Company.

[No. 16/92-Stamp-F. No. 33/59/ST]

ATMA RAM, Under Secy.

आदेश

नई दिल्ली, 7 मिनम्बर, 1992

स्टाम्प

का.आ. 2442:—भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की उपधारा (1) के खण्ड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा उस शुल्क को माफ करती है जो भारतीय लघु उद्योग विकास बैंक, लखनऊ द्वारा जारी किए जाने वाले मात्र चार सौ करोड़ रुपये के मूल्य के प्रॉमिजरी नोटों के स्वरूप के दीप डिस्काउंट बाण्ड (शृंखला 1) और हेमपी रिटर्न बाण्ड (शृंखला 1) पर उक्त अधिनियम के अंतर्गत प्रभावी है।

[सं. 20/92-स्टाम्प-फा.सं. 33/27/92-बि.क.]

ठाकुर दत्ता, उा सचिव

ORDER

New Delhi, the 7th September, 1992

STAMPS

S.O. 2442.—In exercise of the powers conferred by clause (a) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby remits the duty with which the Deep Discount Bonds (Series I) and Happy Returns Bonds (Series I) in the nature of promissory notes—of the value of rupees Four hundred crores only to be issued by Small Industries Development Bank of India, Lucknow are chargeable under the said Act.

[No. 20/92-Stamp-F. No. 33/27/92-ST]

THAKUR DUTT, Dy. Secy.

(आर्थिक कार्य विभाग)

(वैकिंग प्रभाग)

नई दिल्ली, 7 सितम्बर, 1992

का. प्र. 2442.—केन्द्रीय सरकार, सारकारी स्थान (अप्राधिकृत अधिवासियों की देखरेख) अधिनियम, 1971 (1971 का 40) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, नीचे की सारणी के स्तम्भ (1) में उल्लिखित अधिकारी को, जो सरकार का एक राजपत्रित अधिकारी है, उक्त अधिनियम के प्रयोजन के लिए सहाय अधिकारी नियुक्त करती है जो उक्त सारणी के स्तम्भ (2) में की तत्स्थानी प्रविष्टि में विनिर्दिष्ट सरकारी स्थानों के सम्बन्ध में अपनी अधिकारिता की सीमाओं के भीतर, उक्त अधिनियम द्वारा या उसके अधीन सहाय अधिकारियों को प्रदत्त शक्तियों का प्रयोग और उक्त अधिनियम कलशों का पालन करेगा।

[संख्या 15/9/91-आई.आर.]

सहाय माटिया, अवर सचिव

(Department of Economic Affairs)

(Banking Division)

New Delhi, the 7th September, 1992

S.O. 2443.—In pursuance of sub-clause (b) (1) of Clause 3 read with Sub-clause (2) of Clause 9 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970, the Central Government hereby appoints Shri Ram

(Department of Expenditure)

New Delhi, the 7th September, 1992

S.O. 2444.—In exercise of the powers conferred by section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971), the Central Government hereby appoints the officer mentioned in column (1) of the Table below, being a gazetted officer of the Government to be the Estate Officer for the purpose of the said Act, who shall exercise the powers conferred and perform the duties imposed on Estate Officer by or under the said Act, within the local limits of his respective jurisdiction in respect of public premises specified in the corresponding entry in column (2) of the said Table.

TABLE

Designation of the officer	Categories of the public premises and local limits of jurisdiction
(1)	(2)
Senior Deputy Accountant General (Commercial)/ Deputy Accountant General (Commercial) in the office of the Accountant General (Audit) II, Lucknow, Uttar Pradesh.	Residential Complex of staff quarters at Sector 'O' Aliganj, Lucknow.

[F. No. A-11013/1/92-EG]

NARAIN DAS, Under Secy

Shamrao Nerkar, Special Assistant, Bank of Maharashtra, Nagpur as a Director on the Board of Directors of Bank of Maharashtra for a period of 3 years with effect from 7th September, 1992 to 6th September, 1995 or until he ceases to be an employee of Bank of Maharashtra, whichever is earlier.

[F. No. 15/9/91-IR]

S. P. BHATIA, Under Secy.

(अर्थ विभाग)

नई दिल्ली, 7 सितम्बर, 1992

का. प्र. 2444.—केन्द्रीय सरकार, सारकारी स्थान (अप्राधिकृत अधिवासियों की देखरेख) अधिनियम, 1971 (1971 का 40) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, नीचे की सारणी के स्तम्भ (1) में उल्लिखित अधिकारी को, जो सरकार का एक राजपत्रित अधिकारी है, उक्त अधिनियम के प्रयोजन के लिए सहाय अधिकारी नियुक्त करती है जो उक्त सारणी के स्तम्भ (2) में की तत्स्थानी प्रविष्टि में विनिर्दिष्ट सरकारी स्थानों के सम्बन्ध में अपनी अधिकारिता की सीमाओं के भीतर, उक्त अधिनियम द्वारा या उसके अधीन सहाय अधिकारियों को प्रदत्त शक्तियों का प्रयोग और उक्त अधिनियम कलशों का पालन करेगा।

सारणी

अधिकारिता का वर्णन सारकारी स्थानों के प्रकार और अधिकारिता की स्थानीय सीमाएं

(1)

(2)

महानगरपालिका (लेखा परीक्षा) के सेक्टर "ओ" अलीगंज, लखनऊ में कार्यालय, 11, लखनऊ उत्तर प्रदेश कर्मचारी बृन्द के आवासगृह का में उपरोक्त महालेखाकार (वाणिज्य) भारतीय राष्ट्रीय बैंक का महालेखाकार (वाणिज्य)

[फा. सं. क-11013/1/92-ई.जी.]

नारायण दास, अवर सचिव

उद्योग मंत्रालय

नई दिल्ली, 7 सितम्बर, 1992

(आर्थिक विकास विभाग)

आदेश

नई दिल्ली, 1 सितम्बर, 1992

का.आ. 2445 :—इस विभाग के दिनांक 31 जुलाई, 1992 के आदेश सं. 19 (1)/91-ई.ई.आई/ईएल.आई.IND. में आर्थिक समीक्षा करने हुए सदस्यों का सूची में क्रमांक 18 पर उल्लिखित कार्यकारी निदेशक, इंजीनियरिंग एक्सपोर्ट प्रमोशन काउंसिल, का नाम श्री जो. चन्द्र के स्थान पर श्री जी. कुमार पड़ा जाए।

[सं. 19 (1) 91-ईईआई/ईएल. आईएनडी]

एस.एन. बर्मन, अवर सचिव

MINISTRY OF INDUSTRY
(Department of Industrial Development)

ORDER

New Delhi, the 1st September, 1992

S.O. 2445.—In partial modification of this Department Order No. 19(1)/91-EEI/EL.IND. dated 31st July, 1992, the name of Executive Director, Engineering Export Promotion Council, appearing at S. No. 18 of the list of Members may be read as Shri V. Kumar instead of Shri G. Chandra.

[No. 19(1)/91-EEI/EL. IND.]

S. N. BARMAN, Under Secy.

New Delhi, the 7th September, 1992

S.O. 2446 :—In pursuance of sub-rule (2) of Rule 157 of the Trade and Merchandises Marks Rules, 1959, it is hereby notified that in exercise of the powers conferred by sub-rule (1) of the said rule 157, the Central Government has caused the following alterations to be made in the Register of Trade Marks Agents, as shown below :

Serial Number of the Trade Marks Agent No.	Address of the principal place of Business
1. Smt. Indira S. Shah	Anant Ashish, 7A, Amrakunj Extension, Atma Joshi Ashram Road, Baroda-390007.
2. Shri E.S. Godfrey	9/1A Sheriff House, Ground Floor, Calcutta-700 015.
3. Shri Kewal Krishan Arora	HL -107, Housing Board, Colony, Green Avenue, Amritsar-143001, (Punjab).
4. Shri A.V. Nathan	451, 2nd Cross 3rd Block, 3rd Stage, Basaveshwara, Nagar, Bangalore-560079.
5. Shri K. T. Jose	12/8, HIG Welcome Apartments, Thirumangalam, Anna Nagar, West Madras-600101.

[F. No. 9(10)/90-PP&C]
Dr. G.S. JAIYA, Director

का.आ. 2446 :—व्यापार और वस्तुचिह्न विनियम, 1959 के नियम 157 के उपनियम (1) के अनुसरण में यह अधिसूचित किया जाता है कि केन्द्रीय सरकार ने उक्त नियम 157 के उपनियम (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, व्यापार चिह्न अधिकारी रजिस्टर में निम्नलिखित परिवर्तन करा दिए हैं :—

क्रम	व्यापार चिह्न अधिकारी का नाम	कारबार के मुख्य स्थान का पता
1.	श्रीमती इंदिरा एस. शाह	अनन्त आशीष, 7 ए अमरकुंज एक्सटेंशन, आत्मा जोशी, आश्रम रोड, बड़ोदा-390007।
2.	श्री ई.एस. गोडफ्रे	9/1 ए शरिफ हाउस, भूतल, कलकत्ता-700015।
3.	श्री केवल कृष्ण अरोरा	एच एल 107, हाउसिंग बोर्ड कॉलोनी, ग्रीन एवेन्यू, अमृतसर-143001 (पंजाब)।
4.	श्री ए. व्ही. नाथन	451, सेक्शन क्रॉस, थर्ड ब्लॉक थर्ड स्टेज, बसवेश्वरा नगर, बंगलूर-560079।
5.	श्री के.टी. जोसे	12/8, एच आई जी वेलकम एपार्टमेंट्स, थिरुमंगला, अन्ना नगर, वेस्ट मद्रास-600101।

[सं. 9 (10)/90-पी.पी. एच सी]
डा. जी.एस. जय्या, निदेशक

नई दिल्ली, 7 सितम्बर, 1992

का. भा. 2447.—व्यापार और पण्यवस्तु चिन्ह नियम, 1959 के नियम 155 के उपनियम (4) के अनुसरण में यह अधिसूचित किया जाता है कि केन्द्रीय सरकार ने उक्त नियम के उपनियम (1) और उपनियम (3) द्वारा प्रदत्त शक्तियों का प्रयोग करके हुए, कोयम्बतूर के श्री आर. रामलिंगम का नाम व्यापार चिन्ह अधिकारियों के रजिस्टर से हटा दिया है।

[स. 9(10)/90-पी. पी. एण्ड सी.]

डा. जी. एस. जय्या, निदेशक

New Delhi, the 7th September, 1992

S.O. 2447.—In pursuance of sub-rule (4 of rule 155 of the Trade and Merchandise Marks Rules, 1959, it is hereby notified that, in exercise of the powers conferred by sub-rule (1) of the said rule, the Central Government has removed the name of Shri R. Ramalingam of Coimbatore from the Register of Trade Marks Agents.

[F. No. 9(10)/90-PP&C]

DR. G. S. JAIYA, Director

भारी उद्योग विभाग

नई दिल्ली, 13 सितम्बर, 1991

का. भा. 2448.—सरकारी परिसर (अनधिकृत कब्जे की वेवखर्नी) अधिनियम 1971 (1971 का 40) के भाग-3 द्वारा प्रदत्त शक्तियों का हस्तमाला करते हुए, केन्द्रीय सरकार एल्यूमीनियम टाउनशिप प्रशासक, भारत हेवी इलेक्ट्रिकल्स लिमिटेड, कारपोरेट अनुसन्धान और विकास, विकास नगर, हैदराबाद को उक्त अधिनियम के प्रयोजन के लिए सम्पदा अधिकारी नियुक्त करती है वह उक्त अधिनियम के अन्तर्गत अपने अधिकारों का हस्तमाला करेगा और अपना कर्तव्य वहन करेगा तथा इस अधिसूचना की अनुसूची में निर्दिष्ट सरकारी परिसरों के मामले में अपने न्याय क्षेत्र की स्थानीय सीमाओं में पालन करेगा।

अनुसूची

क्रम	जिले का संडल का संख्या नाम	गांव का नाम	सर्वेक्षण संख्या	क्षेत्र एकड़	गुंटा
1	2	3	4	5	6
1.	रंगा-रेडडी	नालानगर	फिरोजगुहा	39	1 31
				40	0 07
				41	3 26
				43	1 22

2. रंगा-रेडडी सिकन्दरा-बाद बावनपल्ली 24 इ 21 28

3. रंगा-रेडडी बल्लभनगर अलबल सरकारी भूमि राजस्व संख्या 500(ए1) 17 37

[फाइल संख्या : 14(20)/82-पी ई-11]
डी. के. पाण्डे, अवर सचिव

(Department of Heavy Industry)

New Delhi, the 13th September, 1991

S.O. 2448 :—In exercise of the powers conferred by section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971), the Central Government hereby appoints Township Administrator, Bharat Heavy Electricals Ltd., Corporate Research and Development, Vikasnagar, Hyderabad as estate officer for the purpose of the said Act. He shall exercise the powers conferred and perform the duties imposed by and under the said Act, within the local limits of his jurisdiction in respect of public premises specified in the schedule to this notification :

SCHEDULE

Serial No.	Name of District	Name of Mandal	Name of Village	Survey Number	Area	
					Acres	Quntas
1.	Rangareddy	Balanagar	Ferozguda	39		1—3
				40	0	07
				41	3	26
				43	1	22
				44	0	15
				45	1	20
				48	1	17
				49	1	35
				50	1	21
				53	2	01
				54	2	03
				61	1	27
				62	2	37
				63	0	13
				64	1	06
				65	1	10
				66	1	30
				67	1	24
				77	17	14
				78	13	33
				79	2	26
				80	14	38
				81	3	29
				83	20	12
				91	1	07
				93	0	25
				94	0	30
				95	1	30
				96	1	32
				97	0	27
				98	2	11
				99	1	06
				100	2	27
				101	2	23
				102	1	20
				103	1	35
2.	Ranga Reddy	Secunderabad	Bowenpally	24/E	21	28
3.	Ranga Reddy	Vallabhanagar	Alwal	Govt. Land	17	37
				Avenue		
				Number 500		
				(A1)		

[File No. 14(20/82-PE.XI)]

D.K. PANDEY, Undr Secy.

ग्रामीण विकास मंत्रालय
(ग्रामीण विकास विभाग)

विपणन एवं निरीक्षण निदेशालय
फरीदाबाद, 12 अगस्त, 1992

का. भा. 2449.—मै. ओ. पी. बिहारी, कृषि विपणन सलाहकार, भारत सरकार सामान्य श्रेणीकरण एवं चिह्नोपकरण नियमावली, 1988 के तहत प्रदत्त शक्तियों का प्रयोग करते हुए एनवू द्वारा अधिसूचना सं. ब्यू.-11011/1/90-ब्यू.सी.-III दिनांक 13-4-92 जो दिनांक 16-5-92 को भारत के राजपत्र के भाग-2, खंड-3, उपखंड (ii), सा. का. 1259 के रूप में प्रकाशित हुई, में यथा विनिर्दिष्ट विपणन एवं निरीक्षण निदेशालय के उप कार्यालयों के प्रभारी अधिकारियों को उनके स्वयं अधिकार क्षेत्र में कृषि उत्पाद (श्रेणीकरण एवं चिह्नोपकरण) अधिनियम, 1937 (1937 का 1) के प्रावधानों के तहत बनाए गए नियमों के अनुसार कृषि तथा संबद्ध पदार्थों के श्रेणीकरण एवं चिह्नोपकरण के संबंध में निम्नलिखित शक्तियों का प्रयोग करने के लिए प्राधिकृत करता है:-

नियम 10(3):—प्राधिकृत पैकेटों को एगमार्क नेबलों के बजाए “एगमार्क प्रतिकृति” का उपयोग करने के स्वीकृति प्रदान करना ।

नियम 10(5):—“एगमार्क प्रतिकृति” धारण करने वाले आयातकों का मुद्रण और/या निर्माण करने के लिए मुद्रण या निर्माण करने वाली इकाई को स्वीकृति प्रदान करना ।

क्षेत्रीय प्रमुख इसके साथ-साथ अपने स्वयं के क्षेत्र में उनको प्रदत्त शक्तियों का प्रयोग करना जारी रखेंगे ।

[सं. ब्यू.-11011/1/90-ब्यू. सी. III]

मै. ओ. पी. बिहारी, कृषि विपणन सलाहकार

MINISTRY OF RURAL DEVELOPMENT
(Department of Rural Development)

Directorate of Marketing and Inspection
Faridabad, the 12th August, 1992

S.O. 2449.—I, O. P. Behari, Agricultural Marketing Adviser to the Government of India, in exercise of the powers conferred on me under the General Grading and Marking Rules, 1988, hereby authorise the officers incharge of the sub-offices of the Directorate of Marketing and Inspection, as specified in the notification No. Q. 11011/1/90-QC.III dated 13th April, 1992 published as S.O. 1259 in the Gazette of India, Part II, Section 3, sub-section (ii) dated 16th May, 1992, to exercise in their respective jurisdiction following powers in regard to grading and marking of agricultural and allied products in accordance with the rules made under the provisions of the Agricultural Produce (Grading and Marking) Act, 1937 (1 of 1937).—

Rule 10(3) : to grant permission for use of “Agmark replica” in lieu of Agmark labels to the authorised packers.

Rule 10(5) : to grant permission to the printing press or manufacturing unit for printing and/or manufacturing of the containers bearing the “Agmark replica”.

The Regional heads shall continue to exercise the powers delegated to them in their respective regions concurrently.

[No. Q. 11011/1/90-QC.III]

O.P. BEHARI, Agricultural Marketing Adviser

श्रम मंत्रालय

नई दिल्ली, 31 अगस्त, 1992

का. भा. 2450 उत्प्रवास अधिनियम, 1983 (1983 का 31) की धारा 5 द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए, केन्द्रीय सरकार, श्रम भ्यूरो कार्यालय, चंडीगढ़ में नियुक्त सहायक निदेशक श्री सुनील चौधरी का अगस्त 10, 1992 के लिए उत्प्रवासी संरक्षा, चंडीगढ़ के कार्यालय में उत्प्रवासी संरक्षा, चंडीगढ़ के सभी कार्यों को करने के लिए प्राधिकृत करती है ।

[संख्या ए-22012/1/92-उत्प्रवास]

प्रार. के. गुप्ता, अवर सचिव

MINISTRY OF LABOUR

New Delhi, the 31st August, 1992

S.O. 2450.—In exercise of the powers conferred by section 5 of the Emigration Act, 1983 (31 of 1983) the Central Government hereby authorises Shri Sunil Choudhary, Assistant Director in the office of Labour Bureau, Chandigarh to perform all functions of Protector of Emigrants, Chandigarh in the office of Protector of Emigrants, Chandigarh on 20th August, 1992.

[F. No. A-22012/1/92-Emig.]

R. K. GUPTA, Under Secy.

नई दिल्ली, 31 अगस्त, 1992

का. भा. 2451—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार इंडियन इन्स्टीट्यूट ऑफ़ आसिमिन्ट टेक्नोलॉजी, पूना के प्रबन्धन के संबंध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 2, बम्बई के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-8-92 को प्राप्त हुआ था ।

[सं. एल-14011/17/90-आई. प्रार. (डी. यू.) (पी. टी.)]

के. वी. बी. उन्नी, हेल्ड अधिकारी

New Delhi, the 31st August, 1992

S.O. 2451.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal No. 2, Bombay as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Indian Instt. of Armament Technology, Pune and their workmen, which was received by the Central Government on 28-8-92.

[No. L-14011/17/90-IR(DU)(Pl.)]

K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL, NO. 2, BOMBAY

PRESENT :

Shri P. D. Apshankar, Presiding Officer.
Reference No. CGIT. 2/29 of 1991

PARTIES :

Employers in relation to the management of Indian Institute of Armament Technology, Pune.

AND

Their Workmen

APPEARANCES :

For the Employer—Mr. N. Krishnamurthy, Representative.

For the Workmen—Mr. A. N. Kulkarni, Advocate.
INDUSTRY : Defence. STATE : Maharashtra

Bombay, the 17th August, 1992

AWARD

The Central Government by their Order No. L-14011/17/90-IR(DU) dated 8-5-1991 have referred the following Industrial Dispute to this Tribunal for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947.

“Whether the action of the management of Institute of Armament Technology, Girinagar, Khadhwasa, Pune in terminating the services of nine workmen (not employed) who were working in officers mess w.e.f. 30-4-1988 is justified? If not, what relief the workmen concerned are entitled to and from what date?”

2. The workmen in question filed their statement of claim (Ex. 2) challenging the said action of the management.

3. The Institute of Armament Technology, Pune, filed their Written Statement (Ex. 3) in support of their action in question.

4. Thereafter, while the reference was at the stage of evidence of both the parties, the management filed an application (Ex. 4) that all the workmen have been offered regular appointments. Out of the 9 workmen in question, 7 workmen filed their application (Ex. 5) stating that they got the regular appointments in the Government Service of the management, and as such, they do not want to pursue the matter further. These applicants further stated in their application that one more workman, viz. Shri T. B. Shetty has already expired. The advocate for the management made a remark in the said application that the workman Shri A. S. Chandramohan has already been absorbed in the regular service of the management.

5. Therefore, as all the workmen concerned got the appointments in the service of the management, the present reference stands disposed of. The parties to bear their own costs of this reference.

P. D. APSHANKAR, Presiding Officer

नई दिल्ली, 31 अगस्त, 1992

का.प्र. 2451.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, टेक्नॉलॉजी फौजरी, विमानार, बम्बई के प्रबन्धसूच के सुबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 2 बम्बई के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-8-92 को प्राप्त हुआ था।

[सं. एन-40012/123/90 आर्ट. आर. (ई. ए.) (पी.टी.)]

के.वी.बी. उन्नी, डेस्क अधिकारी

New Delhi, the 31st August, 1992

S.O. 2452.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, No. 2 Bombay as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Telecom Factory, Deonar, Bombay and their workmen, which was received by the Central Government on 27-8-92.

[No. L-40012/123/90-IR(DU)(Pl.)]

K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, AT BOMBAY

2289 GI '92—2.

PRESENT :

Shri P. D. Apshankar, Presiding Officer.

Reference No. CGIT. 2/34 of 1991

PARTIES :

Employers in relation to the management of Telecom Factory, Deonar, Bombay.

AND

Their Workmen

APPEARANCES :

For the Employer : Mr. S. B. Kadam, Representative.

For the Workmen : In Person

INDUSTRY : Telecommunication STATE : Maharashtra

Bombay, the 14th August, 1992

AWARD

The Central Government by their order No. L-40012/123/90-IR(DU) dated 3-6-1991 have referred the following Industrial Dispute to this Tribunal for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947.

“Whether the action of the management of Telecom Factory, Bombay in awarding the Penalty of withholding of increment to Shri S. G. Chalke, Examiner Gr. II is correct? If not, what relief the workman is entitled to?”

2. While the reference was at the stage of filing the necessary statement of claim by the said workman, he filed an application (Ex. 2) stating that he wants to withdraw his claim, i.e. he does not want to challenge the action of the management taken against him.

3. Therefore, as the workman is not interested in pursuing with the present reference, the reference stands disposed of. The parties to bear their own costs of this reference.

P. D. APSHANKAR, Presiding Officer

नई दिल्ली, 1 सितम्बर, 1992

का.प्र. 2453.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार उत्तर रेलवे लखनऊ के प्रबन्धसूच के सुबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 31-8-92 को प्राप्त हुआ था।

[सं. एन-41011/23/88-डी.2(बी) (पी.टी.)]

के.वी.बी. उन्नी, डेस्क अधिकारी

New Delhi, the 1st September, 1992

S.O. 2453.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Northern Railway Lucknow and their workmen, which was received by the Central Government on 31-8-1992.

[No. L-41011/23/88-D.II (B) (Pl.)]

K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE SRI ARIAN DEV, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, PANDU NAGAR DEOKI PALACE ROAD, KANPUR

Industrial Dispute No. 247 of 1989

In the matter of dispute :

BETWEEN.

The Divisional Secretary,
Uttar Rly. Karamchari Union,
39-II-J Multistoreyed Rly. Colony,
Sharbagh Lucknow.

AND

The Dy. C.M.E. C & W
Workshop Northern Rly.
Charbagh Lucknow.

AWARD

1. The Central Government, Ministry of Labour, vide its Notification No. L-41011/23/88-D.II (B) dated 5-10-89, has referred the following dispute for adjudication to this Tribunal :—

Whether the Dy. CME (Workshop) Northern Rly. Lucknow was justified in terminating the services of S/Sri S. Wasi Hasan, Manoj Kumar and Sri Satish Chandra Khalasis w.e.f. 3-3-87? If not, to what relief the workmen were entitled?

2. The industrial dispute on behalf of the workmen has been raised by Uttar Rly. Karamchari Union (hereinafter referred to as Union) through its Divisional Secretary.

3. The case of the Union is that workmen S/Sri Wasi Hasan, Manoj Kumar and Satish Chandra were appointed as Khalasis in the C&W Workshop in Alambagh Lucknow on 21-12-83, 7-12-83 and 2-6-84 respectively. They worked upto 3-3-87 whereafter their services were terminated after compliance of the provisions of Section 25-F of I.D. Act, on the ground that educational certificates produced by them at the time of their initial engagement, on verification, were found fake. According to the Union these orders of termination of their services are illegal as they amounted to punishment in the disguise of termination of their services. Moreover, before terminating their services the management did not issue any show cause notice to them nor held an inquiry in this regard in accordance with the Railway Servants (Discipline and Appeal) Rules, 1968. These orders are even hit by Article 311(2) of the Constitution of India.

4. The Union has, therefore, prayed for their reinstatement with full back wages and all consequential benefits.

5. The management of the railway contested the case. The management plead that Sri Wasi Hasan son of Sakhawati Hussain was initially engaged as casual labour on daily wages on 21-12-83. At the time of his engagement he produced his educational certificates showing that he has passed Junior High School. He attained temporary status on 19-4-84. Sri Manoj Kumar son of late Sri Gaya Prasad was initially engaged as casual labour on daily wages on 7-12-83, on production of an educational certificate of his having passed Junior High School. He attained temporary status on 5-4-84. Sri Satish Chandra son of Sri Ram Chandra was initially engaged as casual labour on daily wages on 2-6-84 on production by him of his educational certificate showing that he is class VIII pass. He attained temporary status on 3-9-84.

6. The management further plead that on investigation, it was found that the educational certificates submitted by the workmen at the time of their initial engagement were fake. In the educational certificate filed by Sri Manoj Kumar his date of birth is recorded as 16-1-65 when his actual date of birth is 16-1-1970. Thus he was actually underage not at the time of his initial appointment but also at the time of termination of his services. All of them having obtained employment by fraudulent means their services were terminated under Rule 149 (R.I.) of the Indian Railways Establishment Code Vol. I after complying with the provisions laid down in Section 25-F of I.D. Act. The question of initiating disciplinary proceeding in the above circumstances did not

arise at all. Rather the Rly. Administration took a lenient view with respect to them by not filing a criminal case against them u/s 420 I.P.C. For this reasons the workmen are entitled to no relief.

7. In its rejoinder, the Union alleges that the provisions of Rule 149 of the Indian Rly. Establishment Code Vol. I cannot be applied for imposing a penalty on a non substantiated misconduct.

8. In support of their respective cases, both sides have lead oral as well as documentary evidence. The Union filed affidavits of all the workmen but examined only Sri Manoj Kumar. On the other hand, management examined Sri R. C. Srivastava A.P.O.

9. Ext. W-1, W-2 and W-3 are the copies of orders dated 3-3-87 by means of which the services of all the three workmen were terminated by the Dy. Chief Mech. Engineer (Workshop) Alambagh Lucknow, on the ground that the education certificates produced by them at the time of their initial engagement have been found fake.

10. In the copy of order of Sri Manoj Kumar it is stated that the educational certificate of Junior High School submitted by him with the railway has not been found genuine as his date of birth is 16-1-70 and not 16-1-65.

11. It is not denied even by the management that at the time of termination of their services all the workmen were not given an opportunity to meet the charge against them that the educational certificates produced by them at the time of their initial engagement, on verification have been found fake.

12. It thus becomes abundantly clear that the management did not follow the procedure based on Justice, Equity and Good Conscience. In fact the workmen should have been given a show cause notice in this regard and furnished with the material on the basis of which it was said that the educational certificates produced by them at the time of their engagement, on verification had been found fake. After that in the event of admission or no reply such orders as were passed on 3-3-87 in respect of these workmen could have been passed without committing any illegality. Having not followed the principle of Natural Justice, the orders above mentioned cannot be sustained; they are liable to be quashed being illegal orders.

13. It may be now said that in view of the above finding, the workmen should be granted the relief prayed for by the Union i.e. to reinstate them with full back wages and all consequential benefits. In my view, it is not necessary that in every case, in view of such a finding, the workmen automatically becomes entitled to such a relief. Under the I. D. Act, the Tribunal enjoys very wide powers. It may see whether in the given circumstances such a relief should be granted to the workmen considering the principle of Equity Justice and Good Conscience.

14. It has been argued by Sri B. D. Tewari, the auth. representative for the Union, that this question cannot be looked into by the Tribunal. The Tribunal cannot go beyond the terms of reference. I do agree with this proposition of law and even section 10(4) of the I. D. Act, 1947, lays down that the Tribunal shall confine its adjudication only to the points of dispute referred to it by the Central Government and matters incidental to it. Since this legal position has not been challenged by the other side, I need not refer to the ruling cited by the auth. representative for the Union on this Point.

15. Above I have decided the issue referred to this Tribunal by the Central Government through the Ministry of Labour. The Tribunal is now concerned with the question of relief i.e. the relief to be granted to the workmen. As already remarked by me the Tribunal has to see whether the relief as prayed for can be granted in the given set of circumstances or not. If prima facie the educational qualification's certificates are found to be fake, I am of the view, that no relief can be granted. The workmen cannot be allowed to take advantage or cash upon their own fraud/misrepresentation.

16. The three cases of similar nature were fixed at camp Lucknow in May and June 1991. The other two cases are I.D. Nos. 74/89 and 280/89. In I.D. No. 280/89 dated 7th May, 1991 was fixed as a date for the management to lead evidence in support of their case but before the management could be permitted to lead evidence, the Tribunal gave an opportunity to the Union to lead evidence by summoning the relevant record of the educational institutions in which the workmen had last studied in order to establish the truth about their educational certificates. The present case (I. D. No. 247/89) was also fixed on that date at camp Lucknow but inadvertently such a thing could not be noted on the order sheet. The third case was I. D. No. 74/89, and it was fixed for hearing at camp Lucknow on 6-5-91. In the said case on that date the auth. representative for the Union submitted before the Tribunal that time be given to him to summon the record of D.A.V. Inter College, Lucknow. His prayer was allowed. I may state here that in all the three cases Sri B. D. Tewari has appeared as the authorised representative for the Union. It will, therefore, be persuaded/deemed that the Union was aware of the fact that the Tribunal wanted the Union to lead evidence to prove the fact that educational certificates filed by them with the Rly. Administration are genuine. This opportunity was not, however, utilised by the Union. It was the easiest way for the Union to prove the truth about the educational qualifications of the workmen. I fail to understand why the Union felt shy of not summoning the relevant records of the educational institutions.

17. In this case, Sri Wasi Hasan and Sri Satish Chandra have not examined themselves. Why they were held back by the Union despite the filing of affidavits by them is not known. It remains a mystery.

18. With his affidavit the management witness has filed photostat copies of certain documents. In cross examination they have not been questioned by the auth. representative for the Union. Annexure I to the affidavit of the management witness is the photocopy of mark sheet of Junior High School Examination 1975. It shows that Sri Wasi Hasan had passed Junior High School Examination in second Division in 1975 from Rae Bareilly. Annexure II to the affidavit of the management witness is the photocopy of a letter dated 14-2-87 written by Dy. C.M.E. to the Principal of the said school. On this very letter there appears an endorsement of the principal of the school/concerned educational institution that the name of Sri Wasi Hasan son of Sri Sakhawat Hussain does not appear in the attendance register of class VIII of 1975. He has also written that the marksheet appears not to have been issued by his School.

19. Annexure VIII to the affidavit of the management witness is the photocopy of Transfer Certificate purported to have been issued by the Principal D.A.V. Inter College, Lucknow to Sri Satish Chandra. From the Transfer Certificate it appears that Sri Satish Chandra had passed VIII Class in 1976. Annexure IX is the photocopy of the letter from Dy. C.M.E. to the Principal, D.A.V. Inter College, Lucknow, for verification of the said Transfer Certificate and annexure X is the photocopy of the reply given by the Principal of the College to the Dy. C.M.E. He writes that in the school register at No. 17388 which is noted in the Transfer Certificate the name of Sri Santosh Kumar Dubey, S/o Sri Raj Narain Dubey appears. He also writes that the Transfer Certificate referred is fake. Thus in respect of these two workmen we find that the educational certificates filed by them were not genuine. Despite the fact that the Union they had an opportunity to prove them genuine, they did not utilise it. In fact it was a very simple affair to rebut the evidence of the management.

20. Sri Manoj Kumar has deposed in his cross examination that he did file his educational certificate of his having passed Junior High School. According to him in the certificate his date of birth was recorded as 16-1-1965. He has denied that his date of birth is 16-1-1970. According to him he is not possessed of any document other than the certificate filed by him with the railway. He says that he was born in Mohalla Golaganj Lucknow City.

21. It was very easy for him to have filed the copy of extract from the register of birth maintained in Municipality of Lucknow. He could have even summoned the record of the institution in which he had studied. But all this was not done by him/Union.

22. Annexure III to the affidavit of the management witness is the photocopy of the provisional certificate of Sri Manoj Kumar in which his date of birth is recorded both in words and in figures as 16-1-1965. There appears to be some over writing in the last two digits of the year of his birth. In the digits of the year the third digit could be (7) and the last digit could be (1). There is definitely an overwriting on these two digits. Ann. IV to the affidavit of the management witness is the marksheet of the workman. Annexure V and VI are the photo copies of letters written by Dy. C.M.E. to the Principal of the concerned school for verification of the educational certificates furnished by Sri Manoj Kumar. Annexure VIII is the photostat copy of the reply given by the Secretary of the School of the quarries made by Dy. C.M.E. by means of his letters. It is written that the date of birth of Sri Manoj Kumar son of Sri Gaya Prasad Vishwakarma is 16-1-70 and that he passed his junior high school examination in 1982 in II Division.

23. Above documents thus go to show that actually the date of birth of Sri Manoj Kumar is 16-1-70 and not 16-1-65. He joined the service of the railway on 7-12-83. It means that he was about 14 years old at the time of joining of his service and 17 years and about 2 months old at the time of his discharge from service. In other words at the time of joining the service he was a minor and he was even minor when he was discharged from service.

24. I fail to understand how in the above circumstances, when the Union/workmen had an opportunity which opportunity was given to the Union/then by the Tribunal to produce evidence to show that the educational certificate submitted by them with the railway at the time of their initial engagement were genuine, they can be granted the prayed for by the Union. I am, therefore, of the view, that the workmen are entitled to no relief.

25. Held that although the action of the management of the Railway in discharging/terminating the three workmen was not justified, in the circumstances referred to above, the workmen are entitled to no relief.

26. Reference is answered accordingly.

ARJAN DEV, Presiding Officer

नई दिल्ली, 1 सितम्बर, 1992

का.प्रा. 2454.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार उत्तर रेलवे लखनऊ, के प्रबंधन के संबद्ध नियोकों और उनके कर्मचारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 31-8-92 को प्राप्त हुआ था।

[सं.एल.-41011/35/89-आई.प्रार. (डी.यू.) (पीटी)]

के. वी. बी. उन्नी, डेस्क अधिकारी

New Delhi, the 1st September, 1992

S.O. 2454.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Northern Railway Lucknow and their workmen, which was received by the Central Government on 31-8-1992.

[No. L-41011/35/89-IR (DU)(Pl.)]

K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE SRI ARJAN DEV, PRESIDING OFFICER, CENTRAL GOVERNMENT, INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, PANDU NAGAR, KANPUR

Industrial Dispute No. 74 of 1990

In the matter of dispute :

BETWEEN

Assistant General Secretary
Uttar Rly. Karamchari Union,
39-II Multistoreyed Rly. Colony,
Charbagh, Lucknow.

AND

Chief Works Manager,
Loco Workshop,
Uttar Rly. Charbagh,
Lucknow.

AWARD

1. The Central Government, Ministry of Labour, vide its Notification No. L-41011/35/89-IR (DU) dated 29-2-1990, has referred the following dispute for adjudication to this Tribunal :—

Whether the Chief Works Manager, Loco Workshop Northern Rly. Lucknow was justified in terminating the services of Shri Mansa Ram and Rati Pal w.e.f. 13-12-86 as Khalasis? If not, to what relief the workmen were entitled to?

2. The industrial dispute on behalf of workmen S/Sri Mansa Ram and Sri Rati Pal has been raised by Uttar Rly. Karamchari Union (hereinafter referred to as Union) Lucknow, through its Assistant General Secretary.

3. The case of the Union in short is that both the above named workmen were appointed as Khalasis in the Northern Rly. Locomotive Workshop Charbagh, Lucknow on 3-5-84 and they were given temporary status w.e.f. the date of their appointment. However, their services were terminated by the management of Northern Railway w.e.f. 13-12-86 after compliance of Section 25-F of I. D. Act, on the ground that at the time of their appointment they had submitted false educational certificates. The Union alleges that the order of termination of their services is illegal being hit by Article 311(2) of the Constitution of India. In fact the Railway Administration had adopted this short cut method of terminating their services in order to avoid proceedings under Rly. Servants (Discipline and Appeal) Rules, 1968. The Union has, therefore, prayed for their reinstatement with full back wages and all consequential benefits.

4. The management in reply, plead that in pursuance of notice No. 105/E/A dated 4-12-82, applications were invited from the sons of the staff of Loco Motive Workshop Charbagh, Lucknow and PSTS/CB/Lucknow, who were retiring in 1984, 1985 and 1986 for the purposes of forming a panel of casual labourers. The fathers of both the workmen, in pursuance of the aforesaid notice, had applied in their favour for the post of casual labourers through the concerned Shop Superintendent. The educational qualification for the said post was prescribed as Class VIII pass. With their applications were submitted the transfer certificates of the two workmen having passed Class VIII. After screening by the duly constituted Screening Committee the two workmen were selected and placed on the selected list. However, on verification of their educational qualifications it was found that the Transfer Certificates submitted by the two workmen were not genuine. Accordingly their services were terminated after complying with the provisions of Section 25-F I. D. Act. Since, the recruitment of the workmen was obtained on the basis of false certificates of educational qualification submitted by them, their engagement in the eye of Law became void ab initio. There was no question of conducting any inquiry against them as has been pleaded in the claim statement. Even in the claim statement it has nowhere been stated by the Union that the educational certificates submitted by the two workmen were not false and fake. In the circumstances, they are not entitled to any relief.

5. In the rejoinder it is alleged by the Union that inquiries made from the educational institutions by the Railway Administration were not made in the knowledge of the two workmen or their father. The inquiries were not reliable. In fact the educational certificates submitted by them at the time of their appointment were not at all questionable.

6. In support of their respective cases both sides have led oral as well as documentary evidence. Whereas the Union has examined Sri Ratipal, the management have examined Sri Babu Ram Tewari, A.P.O.

7. Annexure I and III to the affidavit of Sri Ratipal are the copies of orders dated 12-12-86 passed by Assistant Works Manager, Northern Railway Loco Motive Workshop, Charbagh, Lucknow discharging the two workmen from services w.e.f. 13-12-86 after observing the compliance of Section 25-F I. D. Act, on the ground that the educational certificates of Class VIII pass submitted by them at the time of their engagement had been found fake. From the two orders it is evident that both the workmen were engaged as casual labour on daily wages and whereas Sri Ratipal attained temporary status on 1-9-84, Sri Mansaram attained temporary status on 4-9-84. It further appears from the two documents that both the workmen had produced at the time of their engagement certificates of their having passed VIII Class.

8. It is not denied even by the management that at the time of termination of their services both the workmen were not given an opportunity to meet the charge against them that the educational certificates produced by them at the time of their engagement on verification have been found fake.

9. It thus becomes abundantly clear that the management of the Northern Rly. Locomotive Workshops Charbagh, Lucknow, did not follow the procedure based on justice equity and good conscience. In fact both the workmen should have been given a show cause notice in this regard and furnished with the material on the basis of which it was said that the educational certificates produced by them at the time of their engagement, on verification, had been found not genuine. After that in the event of admission or no reply such orders as were passed on 12-12-86 in respect of both the workmen could have been passed without committing any illegality. Having not followed the principle of Natural Justice, the two orders, above mentioned cannot be submitted and liable to be quashed being illegal orders.

10. It may be now said that in view of the above finding, the two workmen should be granted the relief prayed for by the Union i.e. to reinstate with full back wages and all consequential benefits. In my view, it is not necessary that in every case, in view of such a finding, the workman automatically becomes entitled to such a relief. Under the I. D. Act, 1947, the Tribunal enjoys very wide powers. It may see whether in the given circumstances such a relief should be granted to the workman considering the principle of Equity Justice and Good Conscience.

11. The main question is whether the educational certificates produced by the two workmen at the time of their appointment/engagement were really genuine or fake.

12. It has been argued by Sri B. D. Tewari, the auth. representative for the Union, that this question cannot be looked into by the Tribunal. The Tribunal cannot go beyond the terms of reference. I do agree with this proposition of law and even Section 10(4) of the I. D. Act, 1947, lays down that the Tribunal shall confine its adjudication only to the points of dispute referred to it by the Central Government and matters incidental thereto. Since this legal position has not even been challenged by the other side, I need not refer to the two rulings cited by the authorised representative for the Union on this point.

13. Above I have decided the issue referred to this Tribunal by the Central Government through the Ministry of Labour. The Tribunal is now concerned with the question of relief i.e. the relief to be granted to the workmen. As already remarked by me the Tribunal has to see whether the relief as prayed for can be granted in the given set of circumstances or not. If prima facie the two educational certificates are found to be fake, I am of the view, that no relief can be granted. The two workmen cannot be allowed to take advantage or cash upon their own fraud/misrepresentation.

14. I would like to refer to the ordersheet dated 8-4-91 and 25-6-91. After examining Sri Rati Pal workman, Sri Tewari, the authorised representative for the Union, submitted be-

fore the Tribunal that time be given to him to summon the record of D.A.V. Inter College, Lucknow. On his said prayer 6-5-91 was fixed as the date for giving rest of the evidence by the Union. It was also stated in the order that the Union might apply to the Tribunal for summoning to the relevant record through some official of the College. On 25-6-91, Sri Tewari submitted that the Union had not to lead any further evidence in the case. On his said submission the Union's evidence was closed. The question is why the Union felt shy of producing the record of educational institution in order to show that the two workmen are really Class VIII pass and that the educational certificates submitted by them at the time of their engagement were genuine and not fake.

15. Now let us have a look at Annexure II and Annexure IV to the affidavit of Sri Ratipal. Both are copies of similar representations (Mercy Appeal) made by the two workmen, regarding their reengagement. Annexure II is the copy of mercy appeal of Sri Mansaram and Annexure IV of the copy of mercy appeal of Sri Ratipal. The following lines appearing in both the mercy appeals are worthy of consideration—

That educational qualification of VIII Class has got no practical value in working of a khalasi in Locomotive Workshop, because the workmen are only called upon to do physical work. So far as literacy is concerned the undersigned appellant is sufficiently literate to read and write Hindi and English both languages.

That the lapse of not producing valid certificates of passing VIIIth Class is no crime in the eye of law and social justice.

The above quoted lines from their mercy appeals thus go to show that they are not VIII Class pass. Further indirectly they submitted that the educational certificates filed by them at the time of their appointment were not valid documents. In these circumstances I fail to understand how the relief as prayed for by the Union can be granted to the workmen. The workmen cannot be allowed to take any benefit of their own fraud. It is certain that had this fact come into the notice of the management in the very beginning they would not have got the jobs.

16. Now I would like to refer to some of the Annexure filed by the management witness Sri Baburam Tewari A.P.O. with his affidavit. Annexure I is the copy of notice No. 105/E/A dated 4-12-82 from the Additional Chief Mech. Engineering (W) Northern Railway Loco Shops CB-Lucknow to all Shops Superintendants and Secretary NRMU/URMU Locoshops, Charbagh, Lucknow. This very letter has been referred to by the management in para 2 of the written statement. It is specifically stated in the letter that minimum educational qualification for recruitment of Labour VIII Class pass.

17. Annexure IV is the photocopy of the Transfer Certificate filed by Sri Mansaram regarding his having passed VIII class from Maharaja Agrasen Vidyalaya, Lucknow. Annexure III is the copy of reply dated 16-10-86 from the principal of the said Vidyalaya to the Addl. Chief Mech. Engineer N. Rly. Loco Charbagh Lucknow. This letter was written in reply to the query made by the said officer by means of his confidential letter dated 6-10-86 about Sri Mutsa Ram son of Sri Prasad and two other persons. The Principal clearly wrote in his reply that their certificates were fake.

18. Annexure VII is the copy of Transfer Certificate purported to have been issued by the Principal D.A.V. Inter College Lucknow in respect of Sri Ratipal workman. The T.C. shows that he had passed Class VIII from the said College in 1978. In his cross examination Sri Ratipal has deposed that he had passed the VIII Class from D.A.V. Inter College, Lucknow in 1982. His statement thus in itself belies the correctness of the above Transfer Certificate. Annexure VI to the affidavit of the management witness is the copy of reply dated 30-9-86 given by the Principal D.A.V. Inter College Lucknow to the query made by Additional Chief Mech. Engineer through

his confidential letter dated 29-9-86. In the reply he stated that not only the Transfer Certificate of Sri Ratipal but Transfer Certificate of 7 others also are fake. In the T.C. copy Annexure VIII School Registration number is given as 17550, but in the reply it is stated by the Principal that at the said number the name of one Mohd. Naieem Hassan son of Sajid Hussain appears. If Sri Ratipal had passed Class VIII in 1982 from this very College he could have very easily filed another T.C. or summoned the relevant record from the said College for which an opportunity was sought by Sri Tewari. As said earlier by me during the cross examination of the management witness it was not specifically suggested to the witness that such and such certificates were not filed by the workmen or on their behalf by their fathers. I fail to understand how in the above circumstances, the two workmen should be granted the relief of reinstatement with full back wages and other consequential benefits.

19. Held that although the action of the management of the Rly. in discharging the two workmen was not justified in the circumstances, referred to above, the workmen are not entitled to no relief.

20. Reference is answered accordingly.

ARJAN DEV, Presiding Officer

नई दिल्ली, 1 सितम्बर, 1992

का.अ. 2455.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार उत्तर रेलवे लखनऊ के प्रबन्धतंत्र के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निश्चित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 31-8-92 को प्राप्त हुआ था।

[सं. एल-41011/25/88-डी-2(बी) पीटो]

के.वी.बी. उन्नी, डेस्क अधिकारी

New Delhi, the 1st September, 1992

S.O. 2455.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Northern Railway, Lucknow and their workmen, which was received by the Central Government on 31-8-92.

[No. L-41011/25/88-D.II(B)(Pt.)]

K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE SRI ARJAN DEV, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
PANDU NAGAR DEOKI PALACE ROAD KANPUR

Industrial Dispute No. 280 of 1989

In the matter of dispute between

Zonal Working President,
Uttar Rly Karamchari Union,
96/196 Roshan Bajaj Lane,
Ganesh Ganj Lucknow.

AND

Dv. Chief Tech. Engineer,
C&W Workshop,
Northern Rly,
Charbagh Lucknow.

AWARD

1. The Central Government, Ministry of Labour, vide its notification No. L-41011/25/88-D-2(B) dt. 2-11-1989, has referred the following dispute for adjudication to this Tribunal:—

Whether the Dy. C.M.E. (Workshop) Northern Rly. Alambagh Lucknow was justified in terminating the service of S/Sri Chandra Prakash, Shital Shiv Ratan and Shiv Shanker Khalasis w.e.f. 3-3-87? If not, what relief the workmen was entitled to?

2. The industrial dispute on behalf of the four workmen has been raised by Uttar Railway Karamchari Union (hereinafter referred to as Union), Lucknow, through its Zonal Working President.

3. The case of the Union in short is that S/Sri Chandra Prakash, Shital, Shiv Ratan and Shiv Shanker were initially engaged as sub-staff on 28-1-84, 3-2-84, 1-2-84 and 3-2-84 respectively and they attained temporary status on 27-5-84, 2-6-85, 31-5-84 and 2-6-84 respectively. According to the Union all the 4 of them worked upto 2-3-87, whereafter their services were terminated after complying with the provisions of section 25F I.D. Act, on the ground that at the time of their initial engagement they had submitted false certificates. The action of the management in terminating their services has been challenged by the Union on the grounds that the management did not observe the compliance of section 25F(C) I.D. Act, and that the management violated the provisions of section 25G I.D. Act. The action of the management is further challenged on the ground that before terminating their services no proper opportunity was given to them to explain their conduct. It is also alleged by the Union that after the termination of their services, fresh recruitment of substitutes were made without giving an opportunity to the workmen for reemployment. The management also violated the provisions of section 25H I.D. Act. The action of the management being illegal and unjustified, the workmen are entitled to reinstatement with full back wages and all consequential benefits.

4. In their written statement the management have not challenged the date of initial appointment of the workmen and the dates on which the workmen acquired temporary status except in the case of Sri Shital. About the date of acquisition of temporary status by Sri Shital the management is silent.

5. The management plead that at the time of their initial engagement S/Sri Chandra Prakash, Shital, Shiv Ratan and Shiv Shanker submitted their educational certificates of their having passed IX Class, VIII Class, IX class and XII class respectively. But on investigation the educational certificate so filed by them were found fake and forged. As the workmen procured employment by fraudulent means, they were not entitled to be retained in the Government Service any further. So their services were terminated under Rule 149 (R.I. of Indian Railway Establishment Code Vol I), after complying with the conditions laid down in sec. 25F I.D. Act. There was no need for taking any disciplinary action under the Railway Servants (Discipline & Appeal) Rule, 1968. In fact the Rly. Administration had taken a very lenient view in respect of these workmen by not instituting against them criminal proceedings under sec. 420 I.P.C. In the circumstances, the workmen are entitled to no relief at all.

6. In the rejoinder no new facts have been alleged by the Union.

7. In support of their respective cases both sides have relied upon oral as well as documentary evidence. The Union has examined S/Sri Shiv Ratan, Shiv Shanker and Sri Shital and the management have examined Sri R. C. Srivastava. A.P.O.

8. The Union has also filed copies of orders dt. 3-3-87 by means of which the management terminated the services of the three workmen namely, S/Sri Chandra Prakash, Shital and Sri Shiv Ratan. They are Ext. W-2, W-3 and W-4 res-

pectively. The copy of order of Sri Shiv Shanker has not been filed either by the Union or by the management. Even Sri Shiv Shanker has not filed the copy of such order with his affidavit. These orders show that all the three of them were engaged as casual labour on daily wages and that their services were terminated after complying with the provisions of sec. 25F I.D. Act on the ground that the educational certificates produced by them at the time of their engagement, on certification, were found false. In these orders it is mentioned that Sri Chandra Prakash had submitted his educational certificate of class IX pass, Sri Shital had submitted educational certificate of his having passed class VII and Sri Shiv Ratan had produced educational certificate of his having passed IX class. So far as Sri Shiv Shanker is concerned there is also no dispute between the parties as will be evident from the pleadings that his services too were terminated after complying with the provisions of sec. 25F I.D. Act, on the ground that he too had submitted false certificate of his educational qualification.

9. It is not denied even by the management that at the time of termination of their services all the workmen were not given an opportunity to meet the charge against them that the educational certificates produced by them at the time of their initial engagement on verification have been found fake.

10. It thus becomes abundantly clear that the management did not follow the procedure based on Justice, Equity and Good Conscience. In fact the workmen should have been given a show cause notice in this regard and furnished with the material on the basis of which it was said that the educational certificates produced by them at the time of their engagement, on verification had been found fake. After that in the event of admission or no reply such orders as were passed on 3-3-87 in respect of these workmen could have been passed without committing any illegality. Having not followed the principle of Natural justice, the orders, above mentioned cannot be sustained, they are liable to be quashed being illegal orders.

12. It may be now said that in view of the above finding, the workmen should be granted the relief prayed for by the Union i.e. to reinstate with full back wages and all consequential benefits. In my view, it is not necessary that in every case, in view of such finding, the workman automatically becomes entitled to such a relief. Under the I.D. Act, 1947, the Tribunal enjoys very wide powers. It may see whether in a given circumstances such a relief should be granted to the workman considering the principle of Equity Justice and Good Conscience.

13. It has been argued by Sri B. D. Tewari, the authorised representative for the Union, that this question cannot be looked into by the Tribunal. The Tribunal cannot go beyond the terms of reference. I do agree with this proposition of law and even section 10(4) of the I.D. Act, 1947, lays down that the Tribunal shall confine its adjudication only to the points of dispute referred to it by the Central Government and matters incidental to it. Since this legal position has not been challenged by the other side, I need not refer to the rulings cited by the authority representative for the Union on this point.

14. Above I have decided the issue referred to this Tribunal by the Central Government through the Ministry of Labour. The Tribunal is now concerned with the question of relief i.e. the relief to be granted to the workmen. As already remarked by me the Tribunal has to see whether the relief as prayed for can be granted in the given set of circumstances or not. If prima facie the educational certificates are found to be fake, I am of the view, that no relief can be granted. The workmen cannot be allowed to take advantage or cash upon their own fraud/misrepresentation.

15. I would like to refer to the order sheet dt. 7-5-91 and order sheet dt. 25-6-91. 7-5-91, was the date fixed for management to lead evidence in support of their case but before the management could be permitted to lead the evidence, the Tribunal gave an opportunity to the Union to

lead evidence by summoning the relevant records of the educational institutions in which the workmen last studied in order to establish the truth about their educational qualifications, on the said date from the side of the Union Sri Tewari, the authorised representative for the Union present. On 25-6-91, Sri Tewari submitted before the Tribunal that the Union had not to lead any further evidence in the case. On his said submission, the Union's evidence was closed and date for management's evidence was fixed. Thus the Union had sufficient opportunity to establish before the Tribunal that the Educational Certificates submitted by the workmen at the time of their initial engagements were genuine and not fake. It was the easiest way for the Union to prove the truth about the educational qualifications of the workmen by summoning records from the educational institutions in which the workmen had studied. I fail to understand why the Union felt shy to not summoning the record of the educational institutions.

16. With the claim statement, the Union has filed copies of replies sent by S/Shri Shital, Shiv Ratan and Sri Chandra Prakash to the Dy. Chief Mech. Engineer against the order dt. 3-3-87 by means of which their services were terminated by the management of the Railway. In their reply they have nowhere stated that the educational certificates filed by them at the time of their engagement with the railway were genuine and not fake. They could have very well said that the educational certificates filed by them were genuine and not fake and that they are such and such class pass, as shown in the said certificates. Thus here again they did not challenge the fact mentioned in the order of their termination that the educational certificates produced by them at the time of their initial engagement were forged.

17. I now refer to the unquestioned documents filed by the management witness with his affidavit. These documents alongwith other documents will be referred to me by workerwise.

1. Shital.—Annexure IV to the affidavit of the management witness is photostat copy of Transfer Certificate filed by Sri Shital at the time of his engagement. It shows that he passed VIII class in 1981 from Jagannath Prasad Sahu Inter College, Lucknow. In the Transfer Certificate his number in the school registration is noted as 4812. Annexure III is the copy of the letter dt. 16-1-87 from the principal of the said College. The principal has certified that no such Transfer Certificate was ever issued from his college. He has also written that till 16-1-87 in the scholar's registration no. 4812 has not reached.

In his cross examination Sri Shital has deposed that he had perhaps passed VIII class in 1978 from the said college. There is the word of difference in 1978 and the year 1981. He admits in his cross examination that the railway did make an inquiry from the management about his educational qualifications. Thus above evidence goes to show that the educational certificates produced by him at the time of his initial engagement was fake.

18. Shiv Shanker.—In his cross examination Sri Shiv Shanker has deposed that he had studied from VI class to VIII class in Ram Narain Uchhatar Madhvanik Vidyalaya District Bahraich and joined IX class in Kaushelendra Vikram Inter College Bahraich. According to him he left the job while he was studying in IX class as he got employment.

Annexure VIII to the affidavit of the management witness purports to be a certificate dt. 18-4-83, issued by the Principal of the said college certifying that Shiv Shanker's/o Anandi Prasad was student of IX class and annexure IX is the photostat copy of letter dt. 18-2-87 from Dy. Chief Mech. Engg. to the Principal of the said college for verification of the certificate. In the certificate, copy Ann. VIII the registration number of Sri Shanker in the scholars register is mentioned as 1395. On the very letter of inquiry sent by Dy. Chief Mech. Engg. there appears as endorsement of the Principal of the college that at the said number the name of Sri Shiv Shanker son of Anandi Prasad is not at all recorded. In his cross examination in reply to a question put to him Sri Shiv Shanker stated that he would file the educational certificate of his having studied in Kaushelendra Vikram Inter

College Bahraich, on the next date. But for reasons best known to him, he did not file it. He has also admitted that the railway did make an inquiry about educational certificate filed by him from the said Intermediate College. Thus is his case also, the educational certificate filed by him at the time of his initial engagement proved to be fake.

19. Shiv Ratan.—Annexure V to the affidavit of the management witness purports to be the photostat copy of Transfer Certificate issued in respect of this workman by Kali Charan Inter College Lucknow. It shows that he had studied in the said institution from June 1973 and had passed IX class from the said institution in 1973. On this very document there is the endorsement of the principal of the college that no such Transfer Certificate was ever issued by this college. Ann. VI also purports to be the Transfer Certificate issued by the Kalicharan Inter College Lucknow in the name of Sri Shiv Ratan. It is same as annexure V. On it there appears an endorsement of the principal of the college that the number of the student in the scholar register is given in the Transfer, the name of Sri Sidheshwari Prasad Mathur son of Bhagwati Prasad Mathur appears. In his cross examination Sri Shiv Ratan had admitted that he had filed educational certificate of this college with the railway.

20. Chandra Prakash.—He has not examined himself. In his case reference may be made to annexure I and II to the affidavit of the management witness. Annexure II purports to be the Transfer Certificate issued in his name by the Principal Sri Barkhandi Vidyapith Inter College Rae Bareilly. It shows that he passed his IX class from the said college. In June 1976, Annexure I is the copy of the letter from Dy. Chief Mech. Engineer to the said college for confirmation in respect of the above said Transfer Certificate. In his report dt. 31-1-87, which is endorsement on this very document the principal of the college writes that at no. 4321 in scholar register which number is given in the Transfer Certificate, the name of this workman did not appear. The T.C. appears to be forged.

Thus it stands proved that educational certificate filed by these four workmen with the Railway at the time of their initial engagement are fake. Even the opportunity given by the Tribunal to the Union to prove that they are genuine was not availed of by the Union. In the circumstances, I fail to understand how the workmen can be granted the relief of reinstatement with full back wages and all consequential benefits.

21. Held that although the action of the management of the Railway in discharging/terminating the four workmen was not justified, in the circumstances referred to above, the workmen are entitled to no relief.

22. Reference is answered accordingly.

ARJAN DEV, Presiding Officer

नई दिल्ली, 1 सितम्बर, 1992

का.प्र. 2356.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, न्यू बैंक आफ इंडिया के प्रबन्धकों के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नई दिल्ली के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 1-9-92 को प्राप्त हुआ था।

[संख्या एल-1202/326/80-डी-2(ए)]

बी.के. वेणुगोपालन, डेस्क अधिकारी

New Delhi, the 1st September, 1992

S.O. 2456.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure in the Industrial dispute between the employers in relation to the Mgt. of New Bank of India and their workmen, which was received by the Central Government on the 1-9-92.

[No. L-12012/326/80-D.II(A)]

V. K. VENUGOPALAN, Desk Officer

ANNEXURE

BEFORE SHRI GANPATI SHARMA : PRESIDING
OFFICER : CENTRAL GOVT. INDUSTRIAL TRIBUNAL:
NEW DELHI

I D. No. 110/81

In the matter of dispute between :

Shri Gopal Vasudeva, r/o C-276, Minto Road, New Delhi.

Versus

The General Manager, New Bank of India, 1-Tolstov Marg, New Delhi.

APPEARANCES :

Shri Anant Ram for the workman, Shri N. C. Sikri, Sr. Advocate with Shri V. K. Rao, Advocate for Management.

AWARD

The Central Government in the Ministry of Labour vide its Order No L-12012/326/39-D.I.A dated 1st August, 1981 has referred the following industrial dispute to this Tribunal for adjudication :

"Whether the action of the management of New Bank of India in relation to the Branch office at Ghaziabad in dismissing from service Shri Gopal Vasudeva, Clerk with effect from 16-11-79 is justified? If not, to what relief is the workman concerned entitled?"

2. The case of Shri G. K. Vasudeva (hereinafter referred to as the 'workman') is :—

(a) That he joined the services with the bank on 5-1-77 as a Clerk. At the time he was chargesheeted, he was posted with Branch Office-Ghaziabad of the Bank

(b) That he was placed under suspension by the bank vide its letter No. EST/16274.

(c) That a departmental enquiry was conducted by the bank while posted in Branch Office Ghaziabad pursuant to the three charge-sheets issued viz :—

(i) EST/13695 dt. 10-6-73

(ii) EST/30400 dt. 4-4-1973; and

(iii) EST/1711 dt. 24-4-74

(d) That pursuant to the findings of the E.O., as submitted to the Bank on 7-4-79, the bank issued to workman a show cause notice vide its memorandum dated 4-6-79 and finally he was dismissed from the employment of the bank vide bank Memorandum dt. 16-11-79. The workman has further pleaded that his dismissal from the employment of the bank is illegal, unlawful, mala fide and contrary and/or violative of the terms and conditions of service, against the principle of natural justice. That the enquiry proceedings are vitiated as the enquiry office conducting the proceedings was biased and prejudiced against the workman. That the Enquiry Officer proceeded on the basis as if the workman was guilty of the alleged charges, during the course of enquiry proceedings and that the dismissal of the workman from service is bad in law and is liable to be set-aside amongst other on the grounds :

(i) That the enquiry officer was prejudiced, biased and acted as a Disciplinary Authority.

(ii) That the enquiry is incomplete and inconclusive.

(iii) That his past record and defence has not been considered before dismissing him from the service.

(iv) That in the chain of the above contentions, the workman has further contended that the appeal preferred by him to the Chairman of the Bank have been dismissed by the Appellate Authority summarily without application of mind and that the dismissal of workman is liable to be quashed and the workman is entitled to reinstatement with full back-wages and other benefits.

It is relevant to state that the above contentions have been taken by the workman pursuant to the amendment of his statement of claim dt. 26-7-85, pursuant to the amendment as such allowed by my predecessor, the original statement of claim filed by the workman was dt. 3-9-81.

3. That the bank has refuted the amended statement of claim vide its detailed written statement dt. 28-5-86 by raising certain preliminary objections in respect of reference with the main contentions that the reference as made is without application of mind. On merits, the bank, while refuting the statement of claim of the workman, has contended that the workman was appointed in July, 1971 and not in January, 1971 and that he was on probation initially for six months and thereafter he was confirmed after completion of probation period.

(b) That he was initially posted at Kanpur Branch and thereafter at his request transferred to Branch Office-Ghaziabad, though at both the places i.e. at Kanpur and Ghaziabad, the workman has committed serious misconducts amounting to fraud, misappropriation involving amongst other moral turpitude, as he misused/abused his status and position because of his employment in the bank and failed to perform his duty diligently as well. The Bank has also reiterated the facts as stated in the captioned 'introductory'. The Bank has further emphasised that 3 charge-sheets issued to the workman in respect of misconducts are dt. 16-6-73, 4-10-74 (and not 4-4-73, and 24-4-74. The details of charges in respect of each charge-sheet, as given by the bank are as under :—

(i) In re. charge-sheet dt 16-6-1973

In this charge-sheet, the bank levelled the following charges :—

"(1) For cheating the bank and/or causing wrong full loss to the Bank, by fabricating and/or tampering with the bank record by virtue of your being employed in the bank at its Kanpur Office, among others, by destroying and/or falsifying the documents and accounts relating to C.B.C. no. 201 dt. 18-3-72 for Rs. 500/- on the State Bank of India, Ferozpur, deposited by M/s. Somani Steel Ltd. and causing wrongful gain to Mr. Baboo Sharif by fraudulent means as detailed above.

(2) For committing great negligence and/or negligence by wrongful debit of Rs. 603 87 in the account of M/s. Hiram Nand Chait Ram instead of M/s. Poonam Electricals on 1-7-71 by means of a cheque no. 020237 dt. 29-6-71 (reference as detailed above and stated in the bank's communication no. EST/1035 dt. 4-5-73).

(3) For wilful damage and/or attempt to cause damage to the property of the bank and/or its constituents.

(4) For acting prejudicially to the interest of the bank involving the bank into serious loss.

(5) For commission of acts involving moral turpitude.

(6) For loss of confidence.

(7) For gross negligence and/or negligence involving and/or likely to involve the bank into serious loss.

(8) For disobeying lawful and/or reasonable orders of the management and/or of the superiors.

(9) For absentee without leave and/or over staying the sanctioned leave without sufficient grounds.

(10) For unseemly and/or insolent attitude towards the officers of the bank.

- (11) For committing acts prejudicial to the interest of the bank adversely affecting the reputation of the Bank.

In Re. : Charge-sheet dt. 4-10-1973

- (1) For committing defalcation in the sum of Rs. 200/- in the S. B. A/C No. 487 of Smt. Champa Vati by sheer misrepresentation and for that purpose using one Shri Anoop Vohra as an instrument in furtherance of your above-said illegal acts.
- (2) For misusing your office and status by virtue of your employment at Ghaziabad Branch of Bank in furtherance of committing the above said fraud of Rs. 200/-.
- (3) for loss of confidence,
- (4) for baseness of character, and
- (5) for doing acts prejudicial to the interest of the bank.

In Re. : Charge sheet dated 24-4-1976.

- (i) For incurring debits to an extent considered by the management as excessive.
- (ii) for cheating through deceitful means.
- (iii) For acts prejudicial to the interest of Bank.
- (c) That pursuant to the explanation given by the workman to the charge-sheet, having been adjudged unsatisfactory, the workman was suspended pending enquiry and Mr. J. Sethi, the then very Sr. Officer (now G. M. of the Bank) was appointed as Enquiry Officer. The enquiry was conducted in conformity with provisions of Bipartite Settlement dt. 19-10-66 as modified by Bank Awards and that the principles of natural justice were observed to the hilt by giving the workman all responsible opportunities despite the workman fraudulently seeking adjournments or staying away from the enquiry, inter alia by—

— recalling the bank witness for his cross-examination and that in furtherance of the principles of natural justice, the workman was furnished the copies of the enquiry proceedings.

The contention of the bank being that, in fact, the workman has been attending the enquiry at his leisure and pleasure and, in fact, he misused the leniency of the enquiry Officer. In this way, he was the instrument in delaying the enquiry. The enquiry was ultimately completed and the enquiry officer submitted his detailed findings dt. 7-4-79 by making the following pertinent observations :

"The delinquent employee having been found guilty of serious charges namely—fabrication, tampering with the record of the bank, defrauding the bank/its constituents both at Kanpur and at Ghaziabad by virtue of his employment in the bank and of the various other charges detailed above, floating from the aforesaid serious charges of fabrication/tampering and committing fraud on the Bank/its constituents, I feel that the delinquent employee is not fit to be remain in the service of the Bank. I, therefore, propose that he may be suitably punished by dismissal from the service of the Bank."

- (d) The Disciplinary Authority, the then General Manager of the Bank after application of mind, issued a show-cause notice dt. 4-6-1979 with the following pertinent observations—

"I have gone through the whole case and have accepted the findings of the enquiry officer holding Shri Gopal Krishan Vasudeva guilty of the charges mentioned in the aforesaid charge-sheets.

In the circumstances, Shri Gopal Krishan Vasudeva is hereby called-upon to show cause as to why he should not be dismissed without notice from the employment of the Bank. His explanation to

the above proposed punishment must reach the undersigned within seven days from the receipt hereof, failing which it shall be inferred that Shri Gopal Krishan Vasudeva has nothing to say in the matter and accepts the proposed punishment.

In case Shri Vasudeva wants to be heard personally in respect of the aforesaid proposed punishment, he may call on the undersigned on 15-6-79 at 11.00 A.M. in the office at—

Atma Ram House, I Tolstoy Marg, 4th Floor, New Delhi-110001."

- (e) That the workman sought adjournment to the show-cause notice and ultimately on 10-9-79, he filed his reply dt. 10-9-79 to the show-cause notice dated 4-9-79, when the punishing authority in the high rank of General Manager inflicted the punishment of dismissal vide its registered communication dt. 16-11-79 with the following observations :—

"I have carefully gone through the entire case of Shri Vasudeva. He has failed to make-out a case warranting any leniency/change in the punishment proposed in the aforesaid memorandum dt. 4-6-79. Accordingly, Shri Vasudeva is hereby dismissed without notice from the employment of the Bank forthwith."

- (f) The bank has further contended that in terms of provisions of the Bipartite Settlement, the workman was also provided the opportunity by the Appellate Authority pursuant to the right of appeal as exercised by him to the Appellate Authority in the top rank of Chairman heard the case, of course rejecting the case of the workman to be represented by a lawyer on the plea that in conformity with the spirit of Bipartite Settlement dt. 19-10-66 (with an added remark that he should be represented by a representative of Trade Union in conformity with the provisions of Bipartite Settlement dt. 19-10-66. The workman appeared before the Appellate Authority i.e. the then Chairman of the Bank on 4-2-80 and requested for deciding his case on the basis of written submissions. The appellate authority reserved its decision and on 1-3-80 the appellate authority communicated that his appeal has been dismissed by making the following observations :—

"I have gone through the whole case and am of the considered opinion that the facts and circumstances of the case do not warrant any interference with the decision of the Punishing Authority above mentioned. Accordingly, the appeal of Shri Vasudeva is hereby dismissed."

- (g) That as per detailed pleadings/submissions of the Bank, case of the bank is that the enquiry has been conducted by the Enquiry Officer fairly and properly. The workman had been given all reasonable opportunity and even witnesses of the bank which had been examined ex-parte because of the non-participation/absence of workman, were recalled and the workman was provided opportunity to cross-examine the same, and in fact, he cross-examined the some of witnesses, although the management had produced all the witnesses whose evidence were recorded ex-parte, of course by providing the copies of enquiry proceedings to workman in this behalf in furtherance of the principles of natural justice.

4. That pursuant to the aforesaid pleadings of the parties, the parties led their evidence and the bank has also at the time of evidence (at a later stage) filed its original documents (which according to the bank were previously misplaced). On the pleadings of the parties, the following issues were framed :

1. What is the effect of the take-over of the New Bank of India Limited by the Central Government under the Banking Companies (Acquisition of Transfer and Undertaking) Act ?
2. Whether the enquiry conducted against the workman was fair and proper.

3. As in order of reference.

5. That in brief and with an emphasis, the case of the Bank is that the charges levelled against the workman are very grave and serious in nature which have been duly proved in the departmental enquiry by the detailed findings of E.O. running in few pages. The disciplinary Authority in the high rank of General Manager, after due opportunity to the workman inflicted the punishment accepting the findings of E. O. and that the appellate of the top rank of Chairman has also uphold the punishment based-upon findings of facts and duly supported by record and the misconducts committed by workman are so serious involving fraud, misuse/abuse of power, an employee, which no institution, much less credit institution which is sensitive industry can no longer keep any employee who had hardly worked for two years in the employment in the circumstances of the case.

6. The first issue in respect of nationalisation and take-over of the bank is a legal one. The only basic feature is that the bank alongwith other banks were taken-over by the Central Government w.e.f. 1-4-80 and that the service conditions were prevailing in the bank had acquired the statutory status by virtue of Act of Take-over entitled-Banking Companies (Acquisition & Transfer of Undertakings) Act (Act No. V of 1980) which is not in dispute.

7. That the bank in support of the case filed detailed affidavit of Mr. Sarwan Singh, who was well-acquainted with the case and was representing the case right from conciliation proceeding and also in the inquiry proceedings. He was only cross-examined at length and even was recalled at the request of the workman representative and further cross-examined. Significantly, the workman did not chose to come in the witness box in his defence and rested his claim mainly on the contention that he was not provided reasonable opportunity as he was denied his alleged right to be represented by a lawyer.

8. On the other hand, the case of the bank is that as per the provisions of Bipartite Settlement dt. 19-10-66, which has acquired statutory status, pursuant to the nationalisation/take-over of the Bank, that he should be represented by a representative of registered Trade Union in respect whereof he was provided opportunity time and again, but he chose to cross-examine the witnesses himself and also led his defence in the inquiry by producing his witness which have been duly dealt-with by the enquiry officer in his detailed findings, and according to which the workman has been found guilty, which findings have been accepted by disciplinary authority by providing opportunity to the workman and ultimately upheld by the Appellate Authority as discussed above.

9. The parties in support of submissions also filed written arguments and the reply thereto. The only exception taken by the workman is that he was not provided to be represented by Advocate. The bank has refuted this contention equally with vehemence firstly on the ground that as per the Bipartite Settlement dt. 19-10-66 (as modified by Bank awards) which has acquired the statutory status, representation through an Advocate is not mandatory and that the nature of the charges levelled against the workman pertain to the area of Banking Practice & Procedure, of which the workman must effectively chosen to cross-examine the bank witness and led his evidence as well, as is evident from the record of proceedings/detailed findings of inquiry officer. The Bank has also submitted that even otherwise, the representation through Advocate does not form part of the natural justice as held by the Hon'ble Supreme Court in the case entitled-Maharashtra State Board of Secondary and Higher Secondary Education Vs. K. S. Gandhi & Another reported in 1991 (2) JT (SC) 296 wherein it has been held that non-representation through Advocate of a delinquent person in the inquiry does not amount to denial of principles of natural justice.

Further, it is also not in dispute that the workman was—

- (i) given the copy of the enquiry proceedings day-to-day.

(ii) even when he absented/abstained from the proceedings, his request for cross-examination of witnesses was acceded to and the witness were recalled back and he was allowed to cross-examine the same.

(iii) The Disciplinary authority in the status of General Manager applied his mind before giving punishment. The appellate authority of the status of Chairman of Bank also provided him the opportunity of hearing before it confirmed the decision of disciplinary authority after due application of mind.

(iv) That the fraud as committed by the workman is duly proved in the departmental enquiry as well coupled with admission on his part. Thus, the action on the part of the bank is fully justified as per the verdict of the Hon'ble Supreme Court in AIR 1989 SC 1185. Further I am of the view that the charge do not involve the assistance of a legal practitioner as they are based upon documentary evidence and these documents have been filed by the Bank which are on record of the Tribunal, besides other records, the copies were duly furnished to workman in the enquiry.

10. The case of the Bank is that the two charges of misappropriation of Rs. 200/- in the case of S.B. A/C No. at Ghaziabad Branch and that of Rs. 500/- by abuse of workman status/position at Kanpur Branch by the device of crediting to a wrong account and thereafter taking the illegal gain from the said customer, are themselves sufficient to justify the action of the bank. In support of the above contentions, the bank besides detailed written submissions has led much emphasis on the judgment of Hon'ble Supreme Court in the case of J. D. JAIN Vs. Management of State Bank of India & Another upholding the D. B. judgment of Delhi High Court reported in 1979 LIC 1041 and reiterating the principles as laid down by the Hon'ble Supreme Court in the case of State of Haryana & Anr. Vs. Rattan Singh reported in 1982 (1) LLJ 44. To quote—

"It is well settled that in a domestic enquiry, the strict and sophisticated rules of evidence under the Indian Evidence Act may not apply. All materials which are logically probative for a prudent mind are permissible. There is no allergy to hearsay evidence provided it has reasonable nexus and credibility."

11. I have carefully perused the detailed pleadings of the parties, duly supported by record of enquiry and submissions as discussed above, and am of the view that the bank has conducted the enquiry fairly by providing all reasonable opportunity to the workman. The request of the workman for being represented by Advocate also loses its weight when undisputedly, the workman has himself cross-examined the bank witness at his will and even the bank had recalled the witness that had been examined ex-parte, because of the non-appearance of workman, in order to provide reasonable opportunity in this behalf as well. The enquiry has been conducted by a very senior officer of the Bank. The Disciplinary Authority of the high rank of General Manager had agreed with the findings of the Enquiry Officer applying his independent mind on the facts and circumstances of the case and has inflicted the punishment of dismissal from employment with reference to the record inclusive of past record, as distinctly dealt with in the findings of the enquiry officer and, thereafter considered by the disciplinary authority. The appellate authority of the highest rank in the hierarchy of the Bank management i.e. Chairman has considered the submissions of the workman and reflected after applying his mind. Thus, the workman has been provided all reasonable and fair opportunity in conformity with service conditions. The workman has not been able to satisfy as to how he has been prejudiced by non-representation through Advocate, in face of the admitted position that he had himself been representing his case as well. The workman has also not chosen to appear as witness in the proceedings before the Tribunal but for the mere contentions in pleadings, which further strengthen the case of bank duly supported by documentary evidence as discussed hereinabove. I agree with the contentions of the bank that if even one charge out of the charges levelled by the management is established, which justify the case of the bank man-

agement, then the Tribunal cannot sit over the judgment of the employer unless the punishment is harsh or severe. The very fact that in view of my above findings that the charge of fraud stand unquestionable proved in the enquiry as upheld upto the level of appellate authority, I do not agree with the contentions of the workman that the punishment of dismissal from employment as inflicted upon him is either harsh or disproportionate. As per well settled Law, in fact I cannot sit over the judgment of the Bank on this ground as well as the case, as it stands is duly supported by record and evidence. On careful perusal of the contentions raised by the parties, the action of the bank in dismissing services of Mr. G. K. Vasudeva, workman from his employment is valid, proper, justified in the circumstances of the case and does not want any interference by me as an adjudicator. Mr. Vasudeva is not entitled to any relief in the circumstances and the parties are left to bear their own costs.

GANPATI SHARMA, Presiding Officer

नई दिल्ली, 1 सितम्बर, 1992

का.प्र. 2457—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, मैसेस बी.सी. सं.एल. की सुदाम्दिह शाफ्ट माईन के प्रबन्धन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण (सं. 2) धनबाद के पंचपट को प्रकाशित करता है जो केन्द्रीय सरकार को 1-9-92 को प्राप्त हुआ था।

[संख्या एल-20012/306/90-आई ग्रार (कोल-I)]
बी.के. वेणुगोपालन, डेस्क अधिकारी

New Delhi, the 1st September, 1992

S.O. 2457.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, (No. 2), Dhanbad as shown in the Annexure in the Industrial dispute between the employers in relation to the Mgt. of Sudamdih Shaft Mine of M/s. BCCL and their workmen, which was received by the Central Government on 1-9-1992.

[No. L-20012/306/90-IR (Coal-I)]

V. K. VENUGOPALAN, Desk Officer

ANNEXURE
BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
(NO. 2) AT DHANBAD

PRESENT

Shri B. Ram,
Presiding Officer.

In the matter of an industrial dispute under Section 10(1)(d) of the I. D. Act, 1947.

REFERENCE NO. 59 OF 1991

PARTIES :

Employers in relation to the management of Sudamdih Shaft Mine of M/s. BCCL, P. O. Sudamdih, Dist. Dhanbad and their workmen.

APPEARANCES :

On behalf of the workmen :—Shri Samiran Paul.
Advocate.

On behalf of the employers :—Shri R. S. Murthy.
State : Bihar. Industry : Coal.

Dated, Dhanbad, the 24th August, 1992

AWARD

The Govt. of India, Ministry of Labour in exercise of the powers conferred on them under section 10(1)(d) of the I. D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012(306)/90-IR (Coal-I), dated, the 19th March, 1991.

SCHEDULE

"Whether the action of the management of Sudamdih Shaft Mine of M/s. BCCL, P. O. Sudamdih, Dist. Dhanbad is justified in dismissing the workman Shri Parmeshwar Thakur w. o. f. 4/5-4-90 ? If not, to what relief the workman is entitled to ?

2. The concerned workman namely Shri Parmeshwar Thakur has been working in Sudamdih Shaft Mine since 1966 to the best satisfaction of the management. But suddenly on 5/7-11-88 he was served with a chargesheet on the allegation that he has impersonated one Kuldeep Thakur since long and drawing salary in his name. The concerned workman denied this allegation and stated that Kuldeep Thakur gave statement and also sworn affidavit to the effect that he never worked either in NCDC or in BCCL and thus he did not lay his claim for the service. It was further contended that Sri Mauleshwar Thakur the son of Kuldeep Thakur who is also an employee of Sudamdih Shaft mine gave statement to this effect and in that view of the matter there was not question of any impersonation. The concerned workman has got his C. M. P. F. A/C. No. 372557. It has been urged that the management just to victimise the concerned workman has issued a false chargesheet after 20 years of service and that he never impersonated anybody much less Kuldeep Thakur.

3. The management on the other hand has asserted by filing a separate W.S. that the concerned workman impersonated which could be discovered on 7-11-88 and accordingly he was chargesheeted. The concerned workman submitted reply to the chargesheet, which was found not satisfactory and thereafter an enquiry was ordered and one Shri P. N. Singh, Dy. P. M. was appointed as Enquiry Officer. The Enquiry Officer submitted report holding that the concerned workman was a genuine workman and the charges of impersonation of Kuldeep Thakur as alleged against him was not established.

4. On receipt of the Enquiry report the Agent/Project Officer, Sudamdih Shaft Mine who is also the disciplinary authority studied the proceeding of the enquiry and the evidence on record, applied his mind and came to the conclusion that finding of the enquiry officer was erroneous and not correct and that the concerned workman is guilty of charge framed against him. He found the concerned workman guilty of the charges and did not accept the finding of the Enquiry Officer and in this way the concerned workman was dismissed vide dismissal order dated 5/4-4-1990. It was thus urged that the Tribunal may be pleased to reject the prayer of the concerned workman and be further pleased to answer the reference in favour of the management.

5. At the very outset it may be important to mention here that the learned counsel for the workmen conceded the fairness and propriety of the domestic enquiry and thereafter the parties were heard on merit of the case.

6. The question for consideration is whether Parmeshwar Thakur the concerned workman ever impersonated Kuldeep Thakur to get employment under the management and that he has been drawing salary knowing fully well that he was not Kuldeep Thakur.

7. As per allegation in the chargesheet the concerned workman has been impersonating Kuldeep Thakur and drawing wages in his name and this could be revealed when the concerned workman wrote a letter dt. 11-7-88 (Ex. M-11) to the Deputy C.M.E., Sudamdih Shaft Mine for correction of his name in respect of C.M.P.F. Account No. C-372557. It was received by the authority on 4-2-89. It was stated in the petition that Parmeshwar Thakur was also known as Kuldeep Thakur and both the names pertain to one and the same person. The matter was enquired into and the

statement of Parmeshwar Thakur and Kuldip Thakur both son and father of village Bunkapur, Dist. Nawangan was recorded by way of preliminary enquiry. Parmeshwar Thakur stated that his father Kuldip Thakur and the concerned workman are the brothers. Shri Parmeshwar Thakur and Kuldip Thakur were both working as contract labour before 1968. He further stated that the eyesight of his father Kuldip Thakur became defective and so he left the work and permanently stayed at home. The real name of the concerned workman is Shri Parmeshwar Thakur. From the statement of Parmeshwar Thakur it is evident that Kuldip Thakur was a careless man which gave rise to the submission of chargesheet against the concerned workman.

8. The concerned workman replied to the chargesheet (Ext. M-2) denying the allegation against him. It was stated that he had been serving the establishment since 1968 and admittedly Kuldip Thakur was his full owner who was also working in the same mine as contract labour, but Kuldip Thakur worked for a very small period and he was never recorded as employee of the establishment and so the question of impersonation does not arise at all. It was also stated that he had been taking steps to get his name corrected in the record of the management but all proved in vain. It was submitted that while entering in employment at the time of erstwhile employer, NCDC in the year 1968 he was recorded in the statutory records as Parmeshwar Thakur. Form B Register which is the statutory register and necessarily to be maintained by the employer has been changed by the present management of BCCL when it was taken over from the erstwhile employer in the year 1974-75. In this way the concerned workman has submitted a very exhaustive reply denying all the charges of impersonation levelled against him.

9. The entire proceeding of the domestic enquiry has been marked Ext. M-4. One A. P. Singh was examined before the E.O. He was also appointed by the management as Representing officer along with Shri P. N. Singh E. O. vide Ext. M-1. Shri A. B. Singh had enquired into the petition dated 11-7-88 filed by the concerned workman and from his evidence it will transpire that the concerned workman had filed similar application on 4-2-86 (Ext. M-18). But he could not say as to why the management did not take any step on that application. During the enquiry he learnt that Parmeshwar Thakur and Kuldip Thakur both were contract labour in the shaft mine. He also stated that the concerned workman continued doing service in the name of Kuldip Thakur and in that way he impersonated Kuldip Thakur. I think the conclusion drawn by this witness was not based upon sound footing. When Parmeshwar Thakur was also employed as contract labour there can be no reason as to why he will start working in the name of Kuldip Thakur. Kuldip Thakur only worked for a few months and as stated by his son he left the work on account of some ailment of his eyesight. This is suggestive of the fact that Kuldip Thakur did not qualify to be enrolled as a member of CMPF. It may be mentioned that the statement of Kuldip Thakur by way of preliminary enquiry was also recorded and he stated that he never worked in any mine of the BCCL. He point blank replied that he did not work in Sudamdih colliery. A photo copy of the C.M.P.F. Form-A has been marked Et. M-IV equal to M-X wherein the name of Parmeshwar Thakur and Kuldip Thakur appear. At the very top of the left hand from the name of Parmeshwar appears first and then the name of Kuldip Thakur has been written just below. This will show that the name of Parmeshwar Thakur was primary one and the name of Kuldip was secondary. The form was filed up on 20-3-69. On the back of the form there is an endorsement of the manager and there the name of Parmeshwar Thakur alone appears. In this connection reference may be made to the evidence of MW-3 who testified the signature of the Manager. This witness being a clerk had also put his signature at the bottom on page-2. The witness confirmed that Parmeshwar Thakur had put his signature when Form-A was filled up. Again on the first page the name of Bhagua Devi as nominee appears. She is admittedly the wife of Parmeshwar Thakur and thus on examination from every angle it appears that Parmeshwar Thakur was only secondary. On first page right hand side Parmeshwar Thakur had signed but in the bracket the name of Kuldip Thakur has also been written in the same handwriting. This

signature was shown to Kuldip Thakur and he refused to have ever signed with the document. The witness stated that Parmeshwar Thakur was the real employee who has been working in the mine for the last 20 years. In view of such statement there can be no reasonable occasion that Parmeshwar Thakur was an impersonator. It was seriously canvassed at the Bar that the case of impersonation stands raised in absence of the persons to be impersonated. It was urged by the learned counsel that Kuldip Thakur was not a regular employee either in the private ownership or under the management of BCCL for he did not possess any documentary proof. The management has not produced either the appointment letter or the identity card in the name of Kuldip Thakur and this means that he was non-existent and that in the circumstances it will be absolutely wrong to suggest that the concerned workman was working in the name of Kuldip Thakur.

10. The more important aspect of the matter is that Kuldip Thakur denied to be a workman of the management. Certainly he was a contractors labour only for a short period and he could not continue his duties due to eye trouble. Significantly it may be added that the concerned workman was a contractor labour at that time exactly like Kuldip Thakur and that being the position there could have been no earthly reason to go for impersonation by the concerned workman. The concerned workman was also examined and he denied to have ever adopted alias name as Kuldip Thakur. He is not sure whether the letter dated 11-7-88 (Ext. M-11) was sent by him or not but admittedly he had sent a number of letters to the authorities for correction of his name. However, he had denied his signature on Ext. M-4. C. M. P. F. No. C/372557 admittedly belongs to the concerned workman which can be found everywhere and on all the important documents.

11. Ext. M-7 is the photo copy of the Form B Register and Ext. M-8 is the photo copy of the identity card register. Admittedly Ext. M-8 was prepared on the basis of Ext. M-7. In Form B Register the name of Kuldip alone appears but C. M. P. F. No. as noted in the Form B belonged to the concerned workman. This is self contradictory. A photograph has been affixed where upon the name of Kuldip Thakur has been written but the name of Bhagia Devi has been shown as nominee. Again Bhagua Devi being the name has been described as the wife of Kuldip Thakur. These are all absurd things. Admittedly Bhagua Devi is the wife of Parmeshwar Thakur and the photograph also belongs to Parmeshwar Thakur but the mischief seems to have been done at the hands of the dealing assistant who had filled up the form in English. It was prepared on 13-7-1988. Admittedly, after the mine disaster in the year 1976 all Form B Register and attendance registers were seized by the D. G. M. S. for investigation which could not be made available and this fact has been affirmed by the evidence of MW-4, DD-1 and DW-4. Only Form B Register was prepared afresh in the year 1987 but there is nothing to show as to what was the basis to prepare fresh register. Naturally the discrepancies are bound to occur. Similar is the case with regard to Ext. M-VIII equal to M-14 which was prepared on 27-5-77 i.e. after 1976. There also the same nature of discrepancy appears. The name of Kuldip Thakur has been noted but G. M. P. F. No belongs to Parmeshwar Thakur.

12. Ext. M-IX series are the photo copies of the C. M. P. F. Pass Book belonging to and standing in the name of Parmeshwar Thakur holding C. M. P. F. Account No C-372557. Again a very pertinent question will arise as to what happened to real Parmeshwar Thakur. The very allotment of C. M. P. Account No. is a proof rather a proof that Parmeshwar Thakur was an employee of the management. There is nothing to show that his name was wiped out on account of his discharge or dismissal and this will be suggestive of the fact that Parmeshwar Thakur is still continuing in service. If Parmeshwar Thakur the concerned workman was an imposter impersonator then what happened to that Parmeshwar Thakur, the holder of C. M. P. F. Account No. C-372557. This is proof that the concerned workman is the real Parmeshwar Thakur and he did not impersonate any body much less Kuldip Thakur his own brother. Kuldip Thakur never appeared to assert his claim for the job. On the other hand he stated that in clear terms that he never impersonated.

13. Ekt. M-VI is the photo copy of pay bill for the month of September, 1983. It was prepared in the name of Kuldeep Thakur but the account no. has been noted which belongs to Parmeshwar Thakur. Although the bills were prepared in the name of Kuldeep Thakur but the payment was used to be taken by Parmeshwar Thakur. MW-2 M. K. Mishra is the bill clerk who stated that he used to prepare bill in the name of Kuldeep Thakur but the concerned workman has been receiving the payment. Admittedly in Form A register the name of concerned workman prominently appear but we find that his name completely disappeared from the record after the mines disaster in the year 1976. Form B Register and identity card register were prepared after 1976 and conspicuously the name of Parmeshwar Thakur was missing from those records. How that happened it was for the management to explain.

14. A few witnesses have been examined on behalf of the concerned workman who seemed to be more important persons than the witnesses examined on behalf of the management. DW-1 is one Shri S. K. Paul who has been working in the shaft mine since 1971. He is at present Senior Draftsman and in the year 1971 he was a Mining Sirdar. He stated that the concerned workman being a miner was working directly under him and that he knew him by his name. He further stated that in the year 1974 he received some injuries in the mine and then he was deputed to work as Clerk. During that very period he was entrusted with the work of preparing service card. He specifically stated that in the service card the name of Parmeshwar Thakur/Kuldeep Thakur was written. The witness further stated that Parmeshwar Thakur was his close door neighbour and in that capacity he was knowing him well from before. Lastly the witness stated that even in the year 1978 Parmeshwar Thakur had filed an application before the Project Officer for correction of his name in the record. The witness stated that the application was drafted by him.

15. DW-2 is also working in the shaft mine since 1968. He knew Parmeshwar Thakur working as piece rated worker. I find nothing in his cross-examination to comment upon. DW-3 Babban Prasad and DW-4 Shri K. D. Mishra are Foreman incharge working in shaft mine since 1965 and 1963 respectively. Shri Babban Pd. Singh stated that the concerned workman had raised objection regarding incorrect recording of his name in the record of the management. DW-4 Shri Mishra has stated that he knew the concerned workman. According to him after mine disaster in 1976 the Form B Register was prepared afresh and a number of discrepancies crept into.

16. I have examined the evidence on record and I find that the evidence is quite sufficient to show that Parmeshwar Thakur was also employed as contract labour and he served as such qualifying himself to become a member of C. M. P. F. From the records I also conclude that after mines disaster in the year 1976 fresh records were prepared in which the name of Parmeshwar Thakur was found conspicuously missing, although the name of his wife appear everywhere. I find all such discrepancies are quite apparent which must have happened due to some latches or carelessness on the part of the dealing clerk who was entrusted to prepare the record. When the name of the concerned workman appeared in the record of the management there could be no reason for him to impersonate anybody. The very presence of his name in Form A was a proof that he was an employee of the management and in that view of the matter he will be deemed to be a regular employee and it is held accordingly. Definitely the Dy. C. M. E/Project Officer shaft mine Sudamdih was at liberty and competent enough to differ with the finding of the Enquiry Officer and he was also competent to pass order of dismissal on the basis of his own assessment Ext. M-6. But for the reasons stated above I am to hold the view that the concerned workman was a regular employee and he did not impersonate Kuldeep Thakur. That being the position the order of dismissal dt. 4/5-4-1990 recorded by the Project Officer shaft mine Sudamdih is hereby set aside and the concerned workman is held to be a regular employee of the management. The management is thus directed to reinstate the concerned workman in his original job with payment of full back wages and other consequential benefits from the date of his dismissal to the date of his reinstatement within one month from the date of publication of the Award.

This is my Award.

B. RAM, Presiding Officer

नई दिल्ली, 1 सितम्बर, 1992

का.आ. 2458:— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, मै. बी.सी.सी. एल. का कुजामा कोलियरी केवस्ताकोला क्षेत्र के प्रबन्धन के संबंध में निम्नलिखित और उनके कर्मचारियों के बीच, अनुबन्ध में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण (सं. 2), धनबाद के पंचपट को प्रकाशित करता है, जो केन्द्रीय सरकार को 1-9-92 को प्राप्त हुआ था।

[संख्या एल-24012/137/87-डी-IV(बी)/आई आर (सी-1)]

वा.के. वेंगुगोपालन, डेस्क अधिकारी

New Delhi, the 1st September, 1992

S.O. 2458.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal (No. 2), Dhanbad as shown in the Annexure in the Industrial dispute between the employers in relation to the Mgt. of Kujama Colliery of Bastacolla Area of M/s. BCCL and their workmen, which was received by the Central Government on the 1-9-92.

[No. L-24012/137/87-D.IV(B)/IR(C.I)]
V. K. VENUGOPALAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT :

Shri B. Ram, Presiding Officer.

In the matter of an industrial dispute under Section 10 (1)(d) of the I.D. Act, 1947.

Reference No. 42 of 1988

PARTIES :

Employers in relation to the management of Kujama Colliery of Bastacolla Areas No. IX of M/s. B.C.C. Ltd. and their workmen.

APPEARANCES :

On behalf of the workman—Authorised representatives of K.I.M.P. Union.

On behalf of the management : Shri B. Joshi, Advocate.

STATE : Bihar

INDUSTRY : Coal

Dated, Dhanbad, the 24th August, 1992

AWARD

The Government of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-24012(137)/87-D.IV(B), dated, the 25th January, 1988.

SCHEDULE

"Whether the action of the Management of Kujama Colliery of Bastacolla Area No. IX of M/s. B.C.C. Ltd., P.O. Iharia, District Dhanbad in not regularising S/Shri P. P. Srivastava and M. P. Sharma, Asstt. Foreman Grade-'C' as Foreman Grade-B is justified? If not, to what relief the concerned workers are entitled?"

2. The present reference was pending disposal since 1983 and lastly on the last date Shri B. Joshi, Advocate on behalf of the management filed a petition that the concerned workmen in the reference have already been promoted from the post of Asstt. Foreman in Grade-C to Foreman in Grade 'B' from 1-3-1988 with notional seniority in Grade-B w.e.f. 1-1-87. Accordingly he prayed that a 'No dispute' award should be passed. The learned representative for the workmen has no objection and he has already signed on the petition filed by the management. In the circumstances, 'No dispute' award is passed.

B. RAM, Presiding Officer

नई दिल्ली, 1 सितम्बर, 1992

का.भा. 2459:— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार म. व. सं. सी.एल. की वृणव कोल वाशरी के प्रबन्धन के संबंध नियोजकों और उनके कर्मचारों के बीच अनुवृद्ध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिनियम, (सं. 2), धनबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 1-9-92 को प्राप्त हुआ था।

[संख्या एल-20012/305/90-आई धार (कोल-I)]

वो. के. वेंगुगोपालन, डेस्क अधिकारी

New Delhi, the 1st September, 1992

S.O. 2459.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal (No. 2), Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Dugda Coal Washery of M/s. BCCL and their workmen, which was received by the Central Government on 1st September, 1992.

[No. L-20012/305/90-IR (Coal-I)]

V. K. VENUGOPALAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT :

Shri B. Ram, Presiding Officer.

In the matter of an industrial dispute under Section 10(1)(d) of the I.D. Act, 1947

Reference No. 72 of 1991

PARTIES :

Employers in relation to the management of Dugda Coal Washery of M/s. B.C.C.L.

AND

Their workmen.

APPEARANCES :

On behalf of the employers—Shri Harihar Nath, Advocate.

On behalf of the workmen—Shri C. D. Singh, Vice-President, Coal Washeries Workers Union.

STATE : Bihar.

INDUSTRY : Coal Washery.

Dhanbad, the 24th August, 1992

AWARD

The Government of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012(305)/90-I.R.(Coal-I) dated, the 18th March, 1991.

SCHEDULE

"Whether the 119 persons named in the Annexure who were employed through contractors are to be treated as workmen of the management of Dugda Coal Washery of M/s. BCCL and whether the demand of the Coal Washers Workers Union that these persons be departmentalised/absorbed in the services of the said management is justified? If so, to what relief are these persons entitled?"

2. The present reference is pending since 1991 for disposal. Lastly on the last date Shri Harihar Nath, Advocate for the management filed a petition that the employers have already

given appointment to all the workmen in the reference. Accordingly, he prayed that a 'No dispute' Award should be passed. The learned representative for the workmen has no objection and he has already signed on the petition filed by the management. In the circumstances, a 'No Dispute' Award is passed.

B. RAM, Presiding Officer

ANNEXURE

List of Workmen :

S. No.	Name
1.	Shri Sisir Kr. Banerjee.
2.	Shri Bishwanath Singh.
3.	Shri Ram Bilash Singh.
4.	Shri Jawaharlal Chatterjee.
5.	Shri Rajendra Poddar.
6.	Shri Ganesh Pd. Singh.
7.	Shri Deventra Pd. Singh.
8.	Shri Narayan Mahato.
9.	Shri Jai Prakash Singh.
10.	Shri Janardhan Mishra.
11.	Shri Budhan Mahato.
12.	Shri Babulal Mahato.
13.	Shri Bakshi Singh.
14.	Shri Meghalal Mahato.
15.	Shri Madhu Vishwakarma.
16.	Shri Ram Das Thakur.
17.	Shri Sinahi Singh.
18.	Shri Sudhir Kashyap.
19.	Shri Sheo Nandan Pandey.
20.	Shri Jagadish Mahato.
21.	Shri Swaraj Nath Deo.
22.	Shri Sirdhar Singh.
23.	Shri Ram Jhavan Rai.
24.	Shri Nemchand Mahato.
25.	Shri Jagadish Rawani.
26.	Shri Rambraj Bhagat.
27.	Shri Sarifa Yadav.
28.	Shri Ram Kumar Singh.
29.	Shri Bishun Kumar.
30.	Shri Yaspal Singh.
31.	Shri Shiv Nath Singh.
32.	Shri Ashok Kumar Singh.
33.	Shri Rajendra Prasad.
34.	Shri Biru Oraon.
35.	Shri Raj Balam Yadav.
36.	Shri Eswar Ray.
37.	Shri Giridhar Mahato.
38.	Shri Devendra Mahato.
39.	Shri Yogendra Yadav.
40.	Shri Pati Ram Yadav.
41.	Shri Ansand Mahato.
42.	Shri Balbir Singh.
43.	Shri Raju Pandey.
44.	Shri Pradeep Pandey.
45.	Shri Krishane Deo Singh.
46.	Shri Rajeshwar Singh.
47.	Shri Uday Pratap Singh.
48.	Shri Budhan Biskarna.
49.	Shri Mukul Pandey.
50.	Shri Rama Kant Singh.
51.	Shri Kudush Ansari.
52.	Shri Prab Jeet Singh.
53.	Shri Pramod Prasad Singh.
54.	Shri Munshi Prasad.
55.	Shri Padi Chato.
56.	Shri Bholu Saw.

57. Shri Dawlat Mahato.
58. Shri Biru Mahato.
59. Shri Chandrika Ghoshwami.
60. Shri Rameshwar Singh.
61. Shri Naresh Prasad.
62. Shri Mahabir Mahato.
63. Shri Ram Mahato.
64. Smt. Gunjari Kamin.
65. Smt. Lakhiya Kamin.
66. Smt. Shushila Kamin.
67. Smt. Santi Kamin.
68. Smt. Sanichari Kamin.
69. Shri Bhim Mahato.
70. Shri Govind Saw.
71. Shri Chintaman Mahato.
72. Shri Ravi Mahato.
73. Shri Nandan Mahato.
74. Shri Bhola Mahato.
75. Shri Pyarelal Mahato.
76. Shri Jugal Mahato.
77. Shri Desharath Mahato.
78. Shri Sambhu Prasad Sahu.
79. Shri Heebal Biskarma.
80. Shri Ram Chandra Manjhi.
81. Shri Nirmal Mahato.
82. Shri Ram Chandra Ram.
83. Shri Nem Chandra Mahato.
84. Shri Birbal Mahato.
85. Shri Pyarelal Singh.
86. Shri Dhanu Ram.
87. Shri Sree Manjhi.
88. Shri Gurud Singh.
89. Shri Rash Bihari Chubhe.
90. Shri Lambu Ram.
91. Shri Kartik Ram.
92. Shri Sevak Ram.
93. Shri Dasrath Ram.
94. Shri Chandrika Ram.
95. Shri Paswan Ram.
96. Shri Sive Charan Ram.
97. Shri Nanlal Ram.
98. Shri Bishal Ram.
99. Shri Faku Ram.
100. Shri Sukhdeo Saw.
101. Smt. Saisakhin Devi.
102. Smt. Sakhi Devi.
103. Smt. Urmila Devi.
104. Smt. Sumitrai Devi.
105. Smt. Fireteen Devi.
106. Smt. Sukunta Devi.
107. Smt. Sahodara Devi.
108. Smt. Chanda Devi.
109. Smt. Bhuril Devi.
110. Shri Ram Janak Singh.
111. Shri Md. Sush.
112. Shri Md. Zawad.
113. Shri Deneah Mahato.
114. Shri Ram Badan Singh.
115. Shri Md. Wakil.
116. Shri Balmiki Biskarma.
117. Shri Mahendra Yadav.
118. Smt. Sumari Kamin.
119. Shri Rama Kant Singha

नई दिल्ली, 2 सितम्बर, 1992

का.प्र. 2460.—औद्योगिक विवाद अधिनियम, 1947
1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार

इण्डस्ट्रियल कोक कम्पनी के प्रबंधन के संबंध नियोजकों और उनके कर्मचारियों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिनियम, (सं. 1), धनबाद के पंचपट को प्रकाशित करता है, जो केन्द्रीय सरकार को 1-9-1992 का प्राप्त हुआ था।

[संख्या एन-20012/264/91-आई धार (कोल-I)]

वं.के. वैणुगोपालन, डेस्क अधिकारी

New Delhi, the 2nd September, 1992

S.O. 2460.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal (No. 1), Dhanbad shown in the Annexure in the industrial dispute between the employers in relation to the management of Industrial Coke Company and their workmen, which was received by the Central Government on the 1-9-92.

[No. I-20012/264/91-IR(Coal-I)]

V. K. VENUGOPALAN, Desk Officer

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of a reference under section 10(1)(d) of the Industrial Disputes Act, 1947.

Reference No. 95 of 1991

PARTIES :

Employers in relation to the management of Industrial Coke Co.

AND

Their Workmen

PRESENT :

Shri S. K. Mitra, Presiding Officer.

APPEARANCES :

For the Employers : None.

For the Workmen : None.

STATE : Bihar

INDUSTRY : Coke

Dated, the 26th August, 1992

AWARD

By Order No. I-20012(264)/91-I.R. (Coal-I), dated the 4th October, 1991, the Central Government in the Ministry of Labour, has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2-A) of section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

"Whether the action of the management of M/s. Industrial Coke Company in terminating the services of Shri M. N. Ghosh, Steno-Typist w.e.f. 13-8-1990 is justified ? If not, to what relief the workman is entitled ?"

2. The order of reference was received in the office of the Tribunal on 10-10-1991. Since then several notices were issued to the concerned workman M. N. Ghosh at the address given in the order of reference. But the concerned workman did not appear nor did he take any step to pursue the case. In the circumstances, I am constrained to believe that the concerned workman is not interested in pursuing the case.

3. Accordingly, I pass 'no dispute' award in this case.

In the circumstances of the case I award no cost. This is my award.

S. K. MITRA, Presiding Officer

नई दिल्ली, 2 सितम्बर, 1992

का.मा. 2461.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) को धारा 17 के अनुसरण में, केन्द्रीय सरकार, मैसर्स बी.सी.सी.एल. को बास्ताकोला कोलियरी के प्रबन्धन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण (सं. 1) घनब्रद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 1-9-92 का प्राप्त हुआ था।

[संख्या एल-20012/188/89-आई धार (कोल-I)]

वी.के. वेणुगोपालन, डेस्क अधिकारी

New Delhi, the 2nd September, 1992

S.O. 2461.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal (No. I), Dhanbad as shown in the Annexure in the industrial dispute between the employers in relation to the management of Bastacolla Colliery of M/s. B.C.C.L. and their workmen, which was received by the Central Government on the 1st September, 1992.

[No. L-20012/188/89-IR (Coal-I)]

V. K. VENUGOPALAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I, DHANBAD

In the matter of a reference under sec. 10(1)(d) of the Industrial Disputes Act, 1947

Reference No. 145 of 1990

PARTIES :

Employers in relation to the management of Bastacolla Colliery of M/s. B.C.C. Ltd.

AND

Their Workmen.

PRESENT :

Shri S. K. Mitra, Presiding Officer.

APPEARANCES :

For the Employers—Shri S. N. Sinha, Advocate.

For the Workmen—Shri D. Mukherjee, Secretary, Bihar Colliery Kamgar Union.

STATE : Bihar.

INDUSTRY : Coal.

Dated, the 27th August, 1992

AWARD

By Order No. L-20012(188)/89-I.R.(Coal-I), dated, the 4th June, 1990, the Central Government in the Ministry of Labour, has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2-A) of section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

"Whether the action of the management in superannuating Shri Sobha Manjhi, Miner/Loader of Bastacolla Colliery under Area No. IX, M/s. B.C.C. Ltd., w.e.f. 31st August, 1988 is justified? If not, to what relief the workman is entitled?"

2. The case of the management of Bastacolla Colliery of M/s. B.C.C. Ltd., as disclosed in the written statement-cum-rejoinder, details apart, is as follows :

Shova Manjhi was an employee of Bastacolla Colliery of M/s. B.C.C. Ltd. and he was a member of C.M.P.F. and his provident fund number was C/165648. After his dismissal from service he withdrew his C.M.P.F. contribution on 13th January, 1977. His name alongwith others was struck off earlier from the roll of the colliery in conformity with the decision of Central Consultative Committee on 19th December, 1980. The Secretary, Bihar Colliery Kamgar Union, Dhanbad by his letter dated 9th July, 1984 raised an industrial dispute alleging removal of Tribal Workers from the rolls of the colliery by dismissing/terminating their services by the management of Area No. IX of M/s. B.C.C. Ltd. and requested the A.L.C.(C), Dhanbad-V to intervene in the matter and to impress upon the management to allow these workmen to resume work. After a good deal of discussions the parties agreed to take back Shova Manjhi alongwith 13 others in employment as Badli Miner/Loader within 21 days from the date of settlement i.e. from 27th April, 1985 on the following terms :

The workmen concerned should produce their identity cards in case of loss of such cards their identity will be verified from the Identity Card Register, Form 'B' Register and other relevant registers. Shova Manjhi was referred to Area Medical Board as per norms and rules of the Company to assess his fitness as well as age. He was examined by the Medical Board on 30th August, 1985. He was declared fit by the Medical Board and his age was determined as 57 years as on 31st August, 1985. Shova Manjhi worked in the colliery till he attained the age of 60 years which is the age of superannuation. He was superannuated from Bastacolla colliery with effect from 31st January, 1988. It was never contended by the union that the age of Shova Manjhi was assessed illegally and arbitrarily. In view of these facts and circumstances, the management has submitted that the claim of the sponsoring union for reinstatement of the concerned workmen in service is not justified.

3. The case of the concerned workmen as disclosed in the written statement on behalf of the sponsoring union, Bihar Colliery Kamgar Union, briefly stated, is as follows :

Shova Manjhi was appointed as Miner/Loader in the year 1985 as per policy decision of the management. The management was in need of miner/loaders and in pursuance of the decision of Banerjee Committee, a decision was taken to deploy underground miner/loaders in different collieries of M/s. B.C.C. Ltd. A circular was issued by the Director (Personnel) to all the collieries whereby the management of the collieries were directed to recruit miner/loaders from persons who were below 45 years and belonged to Adivasi/Harijan Community. In pursuance of the decision, Shova Manjhi was appointed in 1985 when his age was below 45 years. This is also evident from his physical appearance and also as per requirement of the circular providing employment to persons belonging to Adivasi/Harijan Community. Despite this fact the management superannuated the concerned workman from service with effect from 31st January, 1985. The concerned workman vehemently protested against the illegal and arbitrary superannuation but without any effect. In the circumstances, the union was constrained to raise an industrial dispute before the A.L.C.(C), Dhanbad. At the conciliation stage the management took up the plea that the concerned workman was reinstated in service as per settlement entered into with Bihar Colliery Kamgar Union and after reinstatement he was referred to Medical Board for determination of age and accordingly his age was determined. On the basis of the report of the Medical Board the age of the concerned workman was determined and he was superannuated from service in due course. The union challenged the contention of the management on the ground that there was no provision in the alleged settlement for referring the concerned workman to Medical Board for determination of his age. Anyway, the management took an adamant attitude and the conciliation proceeding ended in failure. Thereafter the appropriate Government has been pleased to refer the dispute for adjudication by this tribunal. In the context of facts and circumstances, the union has prayed that the management be directed to reinstate the concerned workmen in service with back wages.

4. In rejoinder to the written statement of the sponsoring union, the management has denied and disputed the fact that as per decision of Banerjee Committee the concerned work-

man was taken in employment as Adivasi/Harian workman. The management has also denied that the age of the concerned workman at the time of his employment was below 45 years. The management has also denied the other contentions of the sponsoring union as disclosed in its written statement.

5. Despite the fact that ample opportunities were given to the parties to adduce evidence both oral and documentary, none of them has come up with any evidence.

6. Admittedly, Shova Manjhi was an employee of Bastacolia Colliery. There is no dispute that he was a member of C.M.P.F., his Provident Fund No. being C.165648. His name and the names of other workmen of the colliery were struck off from the rolls of the colliery. The fall-out of the action of the management in striking of the name of the concerned workman from the roll of the colliery was that an industrial dispute was raised by the Secretary, Bihar Colliery Kamgar Union before the A.L.C.(C), Dhanbad-V. It is the case of the management that it was decided that the concerned workman alongwith other workmen whose names were struck off earlier would be taken back in employment as badli miner/loaders. This statement of fact has not been disputed by the sponsoring union. It is the firm case of the management that as per rules and usual norms of the Company, Shova Manjhi, the concerned workman was referred to Area Medical Board for assessment of fitness and determination of his age and that the Medical Board submitted report declaring him medically fit and his age was determined as 57 years as on 31st August, 1985. The union has contended that the settlement did not envisage determination of age of the concerned workman along with others by the Medical Board. Neither of the parties has produced the settlement arrived at during the conciliation stage. The Medical Board set up by the management, determined the age of the concerned workman. The union has raised two-fold objections to it. According to the union, the settlement did not envisage determination of the age of the concerned workman by Medical Board, and that the age as determined by the Medical Board is illegal. I have already pointed out that neither of the parties has spared any pain to produce the settlement before me. Then again, the union could not adduce any evidence to prove its contention that the age of the concerned workman as determined by the Medical Board is illegal.

7. The Medical Board determined the age of the concerned workman as 57 years as on 31st August, 1985. It appears from the pleading of the management that he was superannuated from service on reaching the age of superannuation on completion of 60 years of age with effect from 31st August, 1988. This being the position, I find no justification to hold that the action of the management in superannuating the concerned workman from service on reaching the age of superannuation is unjustified.

8. Accordingly, the following award is rendered

The action of the management of Bastacolia Colliery under Area No. IX of M/s. B.C.C. Ltd. in superannuating Shova Manjhi, Miner/Loader, with effect from 31st August, 1988 is justified.

In the circumstances of the case, I award no cost. This is my award.

S. K. MITRA, Presiding Officer

नई दिल्ली, 2 सितम्बर, 1992

का.प्र. 2462.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रिय सरकार, सेंट्रल कोलफील्ड्स लिमि. की जारंग्दिह कोलियरी के प्रवक्तव्य के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रिय सरकार औद्योगिक अधिकरण (सं. 2), धानबाद के पंचाट को प्रकाशित करती है, जो केन्द्रिय सरकार की 1-9-92 को प्राप्त हुआ था।

[संख्या एल-24012/122/86-डी.आई. (बी)/आई.आर. (सी.आई.)]

वो.के. वेंगुगोपालन, डेस्क अधिकारी

2289 GI/92—4

New Delhi, the 2nd September, 1992

S.O. 2462.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal (No. 2), Dhanbad as shown in the Annexure in the industrial dispute between the employers in relation to the management of Jarangdih Colliery of Central Coalfields Ltd. and their workmen, which was received by the Central Government on the 1-9-92.

[No. L-24012(122)/86-D.IV(B)/I.R.C.(C)]
V. K. VENUGOPALAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT :

Shri B. Ram, Presiding Officer.

In the matter of an industrial dispute under Section 10(1)(d) of the I.D. Act, 1947

Reference No. 85 of 1987

PARTIES :

Employers in relation to the management of Jarangdih Colliery of Central Coalfields Limited and their workmen.

APPEARANCES :

On behalf of the workmen—Shri J. P. Singh, Advocate.
On behalf of the employers—Shri R. S. Murthy, Advocate.

STATE : Bihar.

INDUSTRY : Coal.

Dhanbad, the 26th August, 1992

AWARD

The Government of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-24012(122)/86-D.IV(B), dated the 18th February, 1987.

SCHEDULE

"Whether the action of the Management of Jarangdih Colliery of Central Coalfields Limited, P.O. Jarangdih District Giridih in denying regularisation to Shri Sarfuddin from 9-9-84 when other 3 employees without possessing qualification of Matriculation or having Wireman's permit have been regularised as Switch Board Attendant is legal and justified? If not, to what relief is the concerned workman entitled?"

2. In this case both the parties appeared and filed their respective W.S. documents etc. Subsequently when the case was fixed for evidence, both the parties appeared before me and filed a Joint Compromise petition under their signature. I heard the parties on the said petition of compromise and do find that the terms contained therein are fair, proper and beneficial to both of them. Accordingly I accept the said petition of compromise and pass an Award in terms thereof which forms part of the Award as Annexure.

B. RAM, Presiding Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO 2 DHANBAD

In the matter of Ref. No. 85/1987

PARTIES :

Employers in relation to the Management of Jarangdih Colliery, G. C. Ltd. P.O. Jarangdih Dist. Giridih.

AND

Their workmen

JOINT COMPROMISE PETITION OF THE EMPLOYERS
AND THE WORKMEN

The above mentioned employers and the workmen concerned Sri Sarfuddin most respectfully beg to submit jointly as follows :

1. That the employers and the workman concerned Sri Sarfuddin have jointly negotiated the matter covered by the above reference with a view to arriving at an amicable and mutually acceptable settlement.

2. That as a result of such negotiations, the parties have agreed to settle the matter covered by the above reference on the following terms and conditions :—

- (a) It is agreed that the workman concerned Sri Sarfuddin will be paid difference of wages of Category II (in which he is at present placed/and Category IV), from 9-9-84 till the date of this compromise petition. The difference of wage will be worked out as per the provisions of para 50 of Chapter XII of Central Wage Board for Coal Industry and paid to Sri Sarfuddin within 3 months of the acceptance of this joint compromise petition by the Hon'ble Tribunal.
- (b) It is agreed that from the date of the joint compromise petition Sri Sarfuddin will be placed by the Management in Daily Rated Category IV as Sub Station Attendant and his basic pay will be fixed in Cat. IV as per the Provisions of Para 50 of Chapter XII of the Central Wage Board for Coal Industry.
- (c) It is agreed that this is an overall settlement in full and final settlement of all the claim of the workman concerned arising out of the above reference.

3. That the employers and the workman concerned jointly confirm and declare hereby that they consider the aforesaid terms and conditions of compromise as fair, just and reasonable by both the parties.

In view of the above the employers and the workman concerned most respectfully pray that the Hon'ble Tribunal may be pleased to accept this joint compromise petition and dispose of the above reference by giving an award in terms thereof.

Sd/-

(Sarfuddin),

Workman concerned.

Sd/-

Project Officer/Agent

Jarangdih Colliery

Central Coalfields Limited

For and on behalf of the employers.

Dated : 31-3-92.

Sd/- Illegible

Sd/- Illegible

नई दिल्ली, 2 सितम्बर, 1992

का. मा. 2463:—औद्योगिक विवाद प्रविवनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, मैसर्स बी. सी. एस. की लोहापट्टी कोलियरी का मोहुदा क्षेत्र के प्रबन्धन के संबंध में निम्नलिखित और उनके कर्मचारों के बीच, अनुबंध में निम्नलिखित

औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक प्रविवरण, (सं. 1) धनबाद के पंचवट की प्रकाशित करती है, जो केन्द्रीय सरकार की 1-9-92 को प्राप्त हुआ था।

[संख्या एल—24012(239)/87डी-IV (बी)/22 आई आर (कोल-1)]

वी. के. वेणुगोपालन, डेस्क अधिकारी

New Delhi, the 2nd September, 1992

S.O. 2463.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal (No. I), Dhanbad as shown in the Annexure in the industrial dispute between the employers in relation to the management of Lohapatty Colliery of Mohuda Area of M/s. BCCL and their workmen, which was received by the Central Government on the 1-9-92.

[No. L-24012/239/87-D.IV(B)/IR(Coal-I)]

V. K. VENUGOPALAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL NO. I, DHANBAD.

In the matter of a reference under section 10(1)(d) of the Industrial Disputes Act, 1947

Reference No. 99 of 1988

PARTIES :

Employers in relation to the management of Lohapatty Colliery of Mohuda Area of Ms. B.C.C. Ltd.

AND

Their Workmen.

PRESENT :

Shri S. K. Mitra, Presiding Officer.

APPEARANCES :

For the Employers—Shri R. S. Murthy, Advocate.

For the Workmen—Shri D. Mukherjee, Advocate.

STATE : Bihar.

INDUSTRY : Coal.

Dhanbad, the 26th August, 1992

AWARD

The present reference arises out of Order No. L-24012 (239)/87-D.I(B), dated 26-7-88 passed by the Central Government in respect of an industrial dispute between the parties mentioned above. The subject matter of the dispute specified in the schedule to the said order and the said schedule runs as follows :

“Whether the action of the Management of Lohapatty Colliery of M/s. B.C.C. Ltd., in terminating/dismissing Sri Quayam Mian from service from 12-12-1985 is justified? If not, to what relief the workman concerned is entitled?”

2. The dispute has been settled out of Court. A memorandum of settlement has been filed in Court. I have gone through the terms of settlement and I find them quite fair and reasonable. There is no reason why an award should not be passed on the basis of terms and conditions laid down in the memorandum of settlement. I accept it and pass an award accordingly. The memorandum of settlement shall form part of the award.

3. Let a copy of this award be sent to the Ministry as required under section 15 of the Industrial Disputes Act, 1947.

S. K. MITRA, Presiding Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL NO. 1, DHANBAD

Ref. No. 99/88

PARTIES :

Employers in relation to the Management of Jahanatty
Colliery of B.C.C.L.

AND

Their workmen

JOINT COMPROMISE PETITION OF THE EMPLOYERS
AND THE WORKMEN

The above mentioned Employers and the workmen/spon-
soring Union most respectfully beg to submit jointly as
follows :

(1) That the dispute covered by the above reference has
been jointly negotiated between the Employers and the
Sponsoring Union with a view to arriving at an amicable and
mutually acceptable settlement.

(2) That as a result of such mutual negotiations, the par-
ties have agreed to settle the dispute mutually on the follow-
ing terms and conditions on an overall basis :-

- It is agreed that Sri Quayam Mian S/o Sri Salim
Mian, the workman concerned will be provisionally
taken in employment by the Management as Under-
ground Loader afresh at Murulidih Colliery, sub-
ject to verification of his antecedents and character.
- It is agreed further that Sri Daula Mia, Zonal Secre-
tary, Bihar Colliery Mazdoor Sabha, Baghmara
Sone and Sri Javed Mian, Secretary, B.C.M.S. will
certify the identity of the concerned workman be-
fore he is allowed to join his duty clearly stipulat-
ing therein that on verification if it was found
false, Sri Javed Mian Sri Daula M'a as well as the
concerned workman would be liable for action
under the standing orders of the Company as well
as under the law of the land.
- That as regards employment to Sri Quayam Mian
is concerned, his employment will stand terminated
on receipt of particulars certifying to be false.
- It is further agreed that the Management will refer
the case to the District Administration, Nawada to
verify the antecedents and details of the concerned
workman to find out the genuineness of the con-
cerned workman.
- It is agreed that this is an overall settlement in full
and final settlement of all the claims of the con-
cerned workman and the sponsoring Union arising
out of the above reference.

(3) That the employers and the workmen/sponsoring
Union hereby declare and confirm that they consider the
above terms of settlement to be fair, just and reasonable to
both the parties.

In view of the above, both the parties jointly pray that
the Hon'ble Tribunal may be pleased to accept this joint
compromise petition and give an award in terms thereof
and dispose of the above reference.

Sd/-

(Daula Mia)
Zonal Secretary, B.C.M.S

Sd/-

(Javed Mia),
Secretary,
B.C.M.S. Mohuda Area
For and on behalf of workman

Sd/-

(M.M. Bhattacharya),
General Manager, Mohuda Area
BCCCL

For and on behalf of Employers

Sd/-
(Rai. S. Murthy),
Advocate
For Employers.

नई दिल्ली, 2 सितम्बर, 1992

को. आ. 2464 :- औद्योगिक विवाद अधिनियम, 1947
(1947 का 14) की धारा 17 के अनुसूचन में, केन्द्रीय सरकार,
मेसमें भारत कोकिंग कोल लिमि., धनबाद के प्रबन्धतंत्र के संबद्ध
नियोक्ता और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक
विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, (सं. 2), धनबाद के
पक्षपट को प्रस्तुत करती है, जो केन्द्रीय सरकार को 1-9-92 को
प्राप्त हुआ था।

[संख्या एल-20012(96)/87-डी-III (ए)/आई आर (कोल-1)]

वी. के. वेणुगोपालन, ईएफ अधिकारी

New Delhi, the 2nd September, 1992

S.O. 2464.—In pursuance of section 17 of the Industrial
Disputes Act, 1947 (14 of 1947), the Central Government
hereby publishes the award of the Central Government In-
dustrial Tribunal (No. 2), Dhanbad as shown in the Annexure
in the industrial dispute between the employers in relation
to the management of M/s. Bharat Coking Coal Ltd.,
Dhanbad and their workmen, which was received by the
Central Government on the 1-9-1992.

[No. L-20012/96/87-D. III (A)/IR (Coal-I)]

V. K. VENUGOPALAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL (NO. 2) AT DHANBAD

In the matter of an industrial dispute under Section 10
(1)(d) of the I. D. Act, 1947.

REFERENCE NO. 292 OF 1987.

PARTIES :

Employers in relation to the management of M/s.
Bharat Coking Coal Limited, Dhanbad, H. G. Ad-
ministration and their workman.

APPEARANCES :

On behalf of the employers : Shri B. Joshi, Advocate.
On behalf of the workmen : Shri D. K. Dey, Organis-
ing Secretary, DCKS, Branch Hqrs.

STATE : Bihar.

INDUSTRY : Coal.

Dated, Dhanbad, the 26th August, 1992

AWARD

The Government of India, Ministry of Labour in exercise
of the powers conferred on them under Section 10(1)(d) of
the I. D. Act, 1947 has referred the following dispute to
this Tribunal for adjudication vide their Order No. L-20012/
(96)/87-D. III (A), dated, the 9th November, 1987.

SCHEDULE

"Whether the demand of Dhanbad Colliery Karamchari
Sangh, Dhanbad (BMS) that Shri Arjun Singh,
Telephone Operator, Headquarters administration,
Koyla Bhawan, M/s. Bharat Coking Coal Limited,
Dhanbad be placed in clerical Grade-II w.e.f.
5-1-1981 is justifiable? If yes, to what relief is the
workman entitled?"

2. In this case both the parties appeared but did not file their respective W. S. However, they appeared subsequently on the date fixed and filed a Memorandum of Settlement under their signature. I heard both the parties on the said petition of compromise and do find that the terms contained therein are fair, proper and beneficial to both of them. Accordingly I accept the said memorandum of settlement and pass an Award in terms thereof which forms part of the Award as Annexure.

B. RAM, Presiding Officer

ANNEXURE

FORM—II

MEMORANDUM OF SETTLEMENT

FOR THE EMPLOYERS :

1. Shri S. N. Mishra, General Manager (Personnel) BCCL/Koyla Bhawan.
2. Shri S. S. Mukherjee, Dy. Chief Personnel Manager (NEE), BCCL ; Koyla Bhawan.

FOR THE WORKERS :

1. Shri Kumar Arjun Singh, Working President, DCKS.
2. Shri D. K. Dey, Organising Secretary, DCKS, Branch Headquarters.

SHORT RECITAL OF THE CASE

That Sri Arjun Singh, Telephone Operator was given scope for working as Telephone Operator (Trainee) with effect from 5-1-1981. He was regularised as Telephone Operator with effect from 25-9-1986. The JBCCI's circular No. 43/85 dated 19-3-1985 prescribed Technical Grade D for Telephone Operators and accordingly Sri Arjun Singh, was placed in Technical Grade 'D' by office order dated 25/26-9-1986. Prior to coming into force of the aforesaid circular, the Telephone Operators used to be placed in Clerical Grade II and the Telephone Operators (Trainees) in Clerical Grade-III. The Union raised an Industrial Dispute for regularisation of Sri Arjun Singh, as Telephone Operator with effect from 5-1-1981 and to fix him in Clerical Grade-II with effect from that date. The above dispute was referred to Tribunal No. 2, Dhanbad for adjudication vide Reference No. L-20012(96)/87-D-III (A), dated 29-7-1987, which is still pending. The above dispute has amicably settled between the parties on the following terms :—

TERMS OF SETTLEMENT

1. Sri Arjun Singh, Telephone Operator be regularised in Clerical Grade-II after completion of his training period of 6 months as stated in the Office Order dated 5-1-1981, and his pay should accordingly be fixed and he should be paid the arrears from the date of regularisation in Clerical Grade-II to the date he was actually regularised in Tech. Gr. D vide Office Order No. BCCL, PA-V, Telephone Opnr. : Gr. D; 86 : 15281-87 dated 25/26-9-1986.
2. The parties may also file a joint petition before the Industrial Tribunal No. 2 in view of the above and the case be treated as finalised.

FOR THE EMPLOYERS :

(Sd. Illegible)

S. N. Mishra—General Manager (Personnel).
BCCL/Koyla Bhawan.

(Sd. Illegible)

S. S. Mukherjee—Dy. Chief Personnel Manager
(NEE), BCCL/Koyla Bhawan.

FOR THE WORKMAN

(Sd. Illegible)

Kumar Arjun Singh, Working
President/DCKS Dhanbad.

(Sd. Illegible)

D. K. Dev, Organising Secy. DCKS.
Branch, Hqrs

Witness :

1. Arjun Singh.

2. Illegible

CC to :

1. Secretary, Ministry of Labour & Employment, Govt of India, Shram Shakti Bhawan, Rafi Marg, New Delhi.
2. Chief Labour Commissioner (Central), Ministry of Labour, Government of India, Shram Shakti Bhawan, Rafi Marg, New Delhi.
3. Regional Labour Commissioner (C) Dhanbad.
4. Asst. Labour Commissioner (C), Dhanbad.

नई दिल्ली, 3 सितम्बर, 1992

का. भा. 2465 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्तर्गत में, केन्द्रीय सरकार, बैंक आफ इंडिया के प्रबन्धन के संबंध में नियंत्रकों और उनके कर्मचारों के बीच, अन्तर्गत में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करता है, जो केन्द्रीय सरकार को 1-9-92 को प्राप्त हुआ था।

[संख्या एन-12012/164/89-डी-II (ए)]

वी. के. वेणुगोपालन, डैस्क अधिकारी

New Delhi, the 31st September, 1992

S.O. 2465.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in the industrial dispute between the employers in relation to the Mgt. of Bank of India and their workmen, which was received by the Central Government on 1-9-1992.

[No. L-12012/164/89-DII(A)]

V. K. VENUGOPALAN, Desk Officer

ANNEXURE

BEFORE SRI ARJUN DEV, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,
DEOKI PALACE ROAD, PANDU NAGAR, KANPUR

Industrial Dispute No. 214 of 1989

In the matter of dispute between :

The Organising Secretary,
Bank of India Union,
C/o Bank of India, LIC Building,
The Mall, Kanpur.

AND

The Regional Manager,
Bank of India,
8/167 1st Floor,
Jivani Mandi,
Belaganj, Agra.

AWARD

1. The Central Government, Ministry of Labour vide notification No. L-12012/164/89-DII(A) dated 1-9-89 has referred the following dispute for adjudication to this Tribunal :—

Whether the Regional Manager, Bank of India, Agra was justified in terminating the services of Sri Sipahi Ram Scpoy w.e.f. August, 1986 ? If not, to what relief the workman was entitled to ?

2. In this case on 13-8-92, both the parties filed a joint application with the request to pass a no dispute award in the light of the facts alleged in the application.

3. The contents of the application were duly verified by me. It has been alleged by the parties in the application that since the workman has been appointed by the bank in the regular services of the bank in the subordinate cadre as such the workman is not interested in the case. A photo copy of the appointment letter issued in the name of the workman by the bank has also been filed alongwith the application.

4. Therefore in view of the above, there remains no dispute between the parties. As such a no dispute award is given in the case.

5. Reference is answered accordingly.

ARJAN DEV, Presiding Officer

नई दिल्ली, 3 सितम्बर, 1992

का. शा. 2466 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, इलाहाबाद बैंक के प्रबन्धतंत्र के संबद्ध नियोजका और उनके कर्मचारों के बीच अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, फानपुर के पंचपट का प्रकाशित करती है, जो केन्द्रीय सरकार को 1-9-92 को प्राप्त हुआ था।

[संख्या एल-12012/534/88-डी-2(ए)]

वी. के. वेणुगोपालन, डेस्क अधिकारी

New Delhi, the 3rd September, 1992

S.O. 2466.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in the industrial dispute between the employers in relation to the Management of Allahabad Bank and their workmen, which was received by the Central Government on the 1-9-92.

[No. L-12012/534/88-DII(A)]

V. K. VENUGOPALAN, Desk Officer

ANNEXURE

BEFORE SHRI ARJAN DEV, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, PANDU NAGAR, KANPUR

Industrial dispute No. 105 of 1989

In the matter of dispute between .

Sri Rajendra Kumar Misra,
105/26, Prem Nagar, Kanpur.

AND

The Chief Manager,
Zonal Officer,
Allahabad Bank,
Swarao Nagar, Kanpur.

AWARD

1. The Central Government, Ministry of Labour vide its notification No. L-12012/534/88-D2(A) dt. 28-4-89 has referred the following dispute for adjudication to this Tribunal :—

“Whether the action of the management of Allahabad Bank in terminating the services of Shri Rajendra Kumar Misra sub-staff is justified ? If not, to what relief is the workman entitled ?

2. On 31-7-92, Sri M. K. Verma authorised representative for the management represent. Neither the workman nor his representative was present.

3. 31-7-92 was the date for the cross examination of the workman. The workman despite issue of notice was not turned up, for his cross examination in the case.

4. It therefore appears that the workman is not interested in prosecuting his case. As such a no claim award is given in the case against the workman.

5. Reference is answered accordingly.

ARJAN DEV, Presiding Officer

नई दिल्ली, 3 सितम्बर, 1992

का. शा. 2467.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार, बैंक आफ इण्डिया के प्रबन्धतंत्र के संबद्ध नियोजका और उनके कर्मचारों के बीच अनुबंध में निदिष्ट औद्योगिक अधिकरण, जबलपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 1-9-92 को प्राप्त हुआ था।

[संख्या एल-12012/213/82-डी II(ए)]

वी. के. वेणुगोपालन, डेस्क अधिकारी

New Delhi, the 3rd September, 1992

S.O. 2467.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Jabalpur as shown in the Annexure in the Industrial dispute between the employers in relation to the Management of Bank of India and their workmen, which was received by the Central Government on the 1-9-92.

[No. L-12012/213/82-DII(A)]

V. K. VENUGOPALAN, Desk Officer

ANNEXURE

BEFORE SHRI V. N. SHUKLA, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, JABALPUR (M.P.)

Case No. CGIT/LC(R)(19)/1983

Employers in relation to the management of Bank of India in relation to its Santha Bazar Branch, Indore and their workman Sri Mohd. Farukh, Temporary Chowkidar, Indore (M. P.).

APPEARANCES :

For Workman : Shri B. K. Pradhan, Advocate.

For Management : Shri Rajendra Menon, Advocate.

INDUSTRY : Banking

Distt. INDORE (M.P.)

AWARD

Dated July 27, 1992

This is a reference made by the Central Government, Ministry of Labour, vide Notification No. L-12012/213/82-D II.(A), dated nil, May, 1983 for adjudication of the following dispute :—

“Whether the action of the management of Bank of India in relation to its Santha Bazar Branch, Indore, in terminating the services of Shri Mohd. Farukh, temporary Chowkidar with effect from 1-5-80 is justified ? If not, to what relief is the workman concerned entitled ?”

2. Facts leading to this case are that the workman had worked as daily rated chowkidar from July, 1979 to 1st May, 1980. He has completed 240 days continuous service. It is also not being challenged that the provisions of Section 25F of the I.D. Act have not been complied with.

3. The workman says that as per settlement between the Indian Bankers Association and All India Employees Association the workman is qualified for confirmation and his services have been illegally terminated. He is entitled to reinstatement with full back wages and costs of the case and other reliefs.

4 The management says that the workman was never employed by them. Since the Bank has lending agency has been lending money to various individuals and Industries. M/s. Vinod Steel Ltd. was one of the parties financed by the said Branch. The Mill hypothecated/pledged certain moveable properties to the Bank as a Security for the advances granted to them. As per agreement the workman was employed by M/s. Vinod Steel Ltd. The reference is liable to be rejected.

5 In support of his case the workman proves Ex. W/1, Current Account Rules.

6 The management has examined as much as three witnesses namely Shri R. Nagarajan, V. S. Mandloi and Mangal Singh and have proved 22 documents Ex. M-1 to Ex. M-22. Ex. M-1 is the application of the workman. This shows that the workman worked as Chowkidar in Vinod Steel Ltd. The documents Ex. M-2 to Ex. M-21 disclose that the workman was paid from the account of Vinod Steel Ltd. by the Bank. Ex. M-22 is the Hypothecation with the Vinod Steel Ltd.

7. Even without considering the evidence adduced by the management, the documents as produced by the management are sufficient to prove the case of the management and the workman would not get the advantage only on account of the fact that he could not cross examine the witnesses of the management.

8. Evidence adduced by the management no doubt proves that the workman was not employee of the Bank but he was the employee of M/s. Vinod Steel Ltd. There being no employer employee relationship the workman is not entitled to any relief.

Reference is, therefore, answered accordingly.

V. N. SHUKLA, Presiding Officer

नई दिल्ली, 10 सितम्बर, 1992

का. घा. 2468 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, मैसर्स बी. सी. सी. एल. को 20-21, पिट्स मुरूलिद्धि कोलियरी के प्रबंध तंत्र के सबद्ध नियोजकों और उनके कर्मचारों के बीच, प्रसवद्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण (सं. 2), प्रसवद्ध के पंचपट को प्रशासित करती है, जो केन्द्रीय सरकार को 2-9-92 को प्राप्त हुआ था।

[सक्रिय एन-20012 (47)/87-डी III (ए)/प्रार्थी कार (कोल-I)]

यो. के. वेणुगोपालन, डेस्क अधिकारी

New Delhi, the 10th September, 1992

S.O. 2468.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal (No. 2), Dhanbad as shown in the Annexure in the industrial dispute between the employers in relation to the management of 20/21, Pits Murulidih Colliery of M/s. BCCCL and their workmen, which was received by the Central Government on the 2-9-1992.

[No. L-20012/(47)/87-D. III (A)/IR (C-I)]

V. K. VENUGOPALAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT :

Shri B. Ram,
Presiding Officer.

In the matter of an industrial dispute under Section 10(1) (d) of the I. D. Act, 1947

REFERENCE NO. 226 OF 1987

PARTIES :

Employers in relation to the management of 20/21, Pits Murulidih Colliery of M/s. BCCCL Mohuda, Distt Dhanbad and their workmen.

APPEARANCES :

On behalf of the workmen : Shri D. Mukherjee,
Advocate.

On behalf of the employers : Shri R. S. Murthy,
Advocate.

State : Bihar.

Industry : Coal.

Dated, Dhanbad, the 25th August, 1992

AWARD

The Govt. of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the I. D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012(47)/87-D. III(A), dated, the 13th August, 1987.

SCHEDULE

"Whether the action of the management of 20/21, Pits Murulidih Colliery of M/s. BCCCL P. O. Mohuda, Distt. Dhanbad in stopping Shri Jalaluddin Mian-Miner/Loader from his duty w.e.f. 14-2-79 is justified? If not, to what relief the workman is entitled?"

2. In this case both the parties appeared and filed their respective W. S. documents etc. Thereafter the case proceeded along its course. Subsequently at the stage of oral evidence both the parties appeared before me and filed a Joint compromise petition under their signature. I heard both the parties on the said petition of compromise and do find that the terms contained therein are fair, proper and beneficial to both of them. Accordingly I accept the said petition of compromise and pass an Award in terms thereof which forms part of the Award as Annexure.

B. RAM, Presiding Officer

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL NO. 2 AT DHANBAD
REFERENCE NO. 226/87.

PARTIES :

Employers in relation to the Management of Murulidih Colliery of B. C. C. L.

AND

Their workmen.

JOINT COMPROMISE PETITION OF EMPLOYERS AND WORKMEN

The abovementioned Employers and the workmen/sponsoring Union most respectfully beg to submit jointly as follows :—

(1) That the dispute covered by the above reference has been jointly negotiated between the Employers and the Sponsoring Union with a view to arriving at an amicable and mutually acceptable settlement.

(2) That as a result of such mutual negotiations, the parties have agreed to settle the dispute mutually on the following terms and conditions on an overall basis :—

(a) It is agreed that Sri Jalaluddin Mia S/o Chiraguddin Mia will be provisionally taken in employment by the Management as an Underground Loader afresh at Murulidih Colliery subject to verification of his antecedents and character.

(b) It is further agreed that Shri Daula Mia, Zonal Secretary, Bihar Colliery Mazdoor Sabha, Baghmara Zone will certify the identity of the concerned workman before he is allowed to join his

duty clearly stipulating therein that on verification if it was found false, Sri Daula Mia as well as the concerned workman would be liable for action under the standing orders of the Company as well as under the law of the land.

(c) that as far as the employment of Sri Jalaluddin Mia is concerned, his employment will stand terminated on receipt of the particulars certifying him to be otherwise than genuine.

(d) It is further agreed that the Management will refer the case to the District Administration concerned to verify the antecedents and details of the concerned workman to find out the genuineness of the concerned workman.

(e) It is agreed that this is an overall settlement in full and final settlement of all the claims of the concerned workman and the sponsoring Union arising out of the above reference.

(3) That the employers and the workmen/sponsoring Union hereby declare and confirm that they consider the above terms of settlement to be fair, just and reasonable to both the parties.

In view of the above, both the parties jointly pray that the Hon'ble Tribunal may be pleased to accept this joint compromise petition and give an award in terms thereof and dispose of the above reference.

DAULA MIA, Joint Secretary, B. C. M. S.

JAVED MIA, Secretary

B. C. M. S. MOHUDA AREA

FOR & ON BEHALF OF WORKMEN.

M. M. BHATTACHARYA, General Manager, MOHUDA

AREA BCCCL

FOR & ON BEHALF OF EMPLOYERS.

RAL. S. MURTHY, Advocate for Employers.

नई दिल्ली, 10 सितम्बर, 1992

का या 2469.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के प्रत्यक्ष में, केन्द्रीय सरकार, मैक्स बी. सी. सी. एल. की मुहामरीह शाफ्ट माइन के प्रबन्धन के सबद नियोजकों और उनके कामगारों के बीच प्रवृत्ति में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, (सं. 2), धनबाद के पत्रपत्र को प्रकाशित करती है, जो केन्द्रीय सरकार को 2-9-92 का प्राप्त हुआ था।

[संख्या एल-20012(361)/85-डी-3 (ए) आई आर (कान-I)]

बी. के. वेणुगोपालन, डेस्क अधिकारी

New Delhi, the 10th September, 1992

S.O. 2469.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal (No. 2), Dhanbad as shown in the Annexure in the industrial dispute between the employers in relation to the management of Sudamdih Shaft Mine of M/s. BCCCL and their workmen, which was received by the Central Government on the 2-9-92.

[No. L-20012(361)/85-D.III(A)IR(C-I)]

V. K. VENUGOPALAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT :

Shri B. Ram Presiding Officer.

In the matter of an industrial dispute under Section 10(1)(d) of the I.D. Act., 1947.

Reference No. 219 of 1986

PARTIES :

Employers in relation to the management of Sudamdih Shaft Mine of Messrs Bharat Coking Coal Limited and their workmen.

APPEARANCES :

On behalf of the workmen :—Shri D. Mukherjee, Secretary, Bihar Colliery Kamgar Union.

On behalf of the employers :—Shri R. S. Murthy, Advocate.

STATE:—Bihar.

INDUSTRY:—Coal

Dated, Dhanbad, the 25th August, 1992

AWARD

The Govt. of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012(351)/85-D.III(A) dated, the 4th July, 1986.

SCHEDULE

"Whether the action of the management of Sudamdih Shaft Mine of M/s. Bharat Coking Coal Limited in shifting their workman, Shri Satish Dusandhi, Trammer from permanent roll to Badli list is justified? If not, to what relief the workman is entitled?"

2. In this case both the parties appeared and filed the respective W. S. documents etc. Thereafter the case proceeded along its course. Subsequently at the stage of oral evidence both the parties appeared before me and filed a Joint Compromise petition under their signature. I heard both the parties on the said petition of compromise and do find that the terms contained therein are fair, proper and beneficial to both of them. Accordingly, I accept the said petition of compromise and pass an Award in terms thereof which forms part of the Award as Annexure

B. RAM, Presiding Officer

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

Ref. No. 219/1986

PARTIES :

Employers in relation to the management of Sudamdih Shaft Mine of M/s. Bharat Coking Coal Limited, P.O. Sudamdih, Dist. Dhanbad.

AND

Their workmen

JOINT COMPROMISE PETITION OF EMPLOYERS AND WORKMEN

The above mentioned employers and the workmen/sponsoring Union most respectfully beg to submit jointly as follows :—

1. That the dispute covered by the above reference has been jointly negotiated between the management and the workmen/sponsoring union with a view to arriving at mutually acceptable and amicable overall settlement.

That as a result of such joint negotiations between the employers and the workmen/sponsoring Union and also keeping in view the fact that the workman concerned Sri Satish Dusandhi has again been put back on the permanent roll of Sudamdih Shaft Mine as a Trammer w.e.f. 20-6-1986 vide Officer Order No. SMD/Sr. FO/Badli/8063-18 dated 27/30-6-1986 of the Dy. C.M.E./Project Officer, Sudamdih Shaft Mine and has since been working in such capacity, the Employers and the workmen/sponsoring Union have agreed to settle the dispute as per the following terms and conditions :—

- (a) It is agreed that since Sri Satish Dusandhi, the workman concerned, has been put back in the regular post of Trammer as aforesaid, the dispute regarding his shifting from permanent roll to Badli list stands fully resolved.
 - (b) It is agreed that the workman concerned Sri Satish Dusandhi will be paid house rent allowance for the period from 1-1-1986 to 19-6-1986 as provided in the N.C.W.A.—III.
3. It is agreed that this agreement is in full and final settlement of all the claims of the workman concerned, Sri Satish Dusandhi and the sponsoring Union arising out of the above reference.
 4. That the employers and the workman/sponsoring Union hereby jointly declare and confirm that the aforesaid agreement is fair, just and reasonable to both the parties.

In view of the above, the employers and that workmen/sponsoring Union jointly pray that the Hon'ble Tribunal may be pleased to dispose of the dispute in terms of this jointly compromise petition and give an award accordingly.

(D. Mukherjee)
Secretary.

Bihar Colliery Kamgar Union
for & on behalf of Workman.

(S. C. SARKAR)

Dy. C.M.E./Project Officer,
Shaft Mine, Sudamdih Bharat,
Coking Coal Ltd., for & on
behalf of Employer.

(Satish Dusandhi)
Workman concerned.

(Ral. Murthy)
Advocate for Employers.

नई दिल्ली, 3 सितम्बर, 1992

का. भा. 2470.—औद्योगिक विवाद अधिनियम, 1947
(1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मगध ग्रामाण बैंक, के प्रबन्धन के विषय गिरोजकों और उनके कामकाज के बीच, अनुवध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिनियम, नं. 2 धनबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-9-92 को प्राप्त हुआ था।

[संख्या एल—12012/30/89-आई धार(बैंक-1)]

मुसाफ चन्द्र शर्मा, डेस्क अधिकारी

New Delhi, the 3rd September, 1992

S.O. 2470.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, No. 2 Dhanbad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Magadih Gramcen Bank and their workmen, which was received by the Central Government on the 3-9-1992.

[No. L-12012/30/89-I.R. (Bank-I)]

S. C. SHARMA, Desk Officer.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL (NO. 2) AT
DHANBAD

PRESENT :

Shri B. Ram, Presiding Officer.

In the matter of an industrial dispute under Section
10(1)(d) of the I.D. Act, 1947

Reference No. 22 of 1989

PARTIES :

Employers in relation to the management of
Magadih Gramcen Bank, Gaya and their
workmen.

APPEARANCES :

On behalf of the workmen.—None.

On behalf of the employers.—Shri U. K.
Sharma, Advocate.

STATE : Bihar

INDUSTRY : Banking

Dated Dhanbad, the 27th August, 1992

AWARD

The Govt. of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-12012/30/89-I.R. Bank-I, dated the 6th October, 1989.

SCHEDULE

"Whether the action of the management of Magadh Gramin Bank, Sondhia House, Katari Hill Road, Gaya by not including Interim Relief and other allowances for the purpose of computation of bonus for the year 1987, for their employees is legal and justified. If not, to what relief the workmen concerned are entitled?"

2. This reference was coming for hearing since 1990. In the beginning the learned counsel for the management and the workmen appeared and filed their respective W.S. and documents. It also transpires that on 12-9-1990 some documents from both the sides were marked exhibits after having formal proof being waived. Subsequent to that none appeared for the workmen in spite of number of unnecessary adjournment given to the workmen. Ultimately the matter was heard ex-parte and the management examined one MW-1.

3. The concerned workmen while submitting their statement of demand urged that Magadh Gramin Bank Gaya is not justified in not including interim relief and other allowances, i.e., officiating allowance and cash allowance for the purpose of computation of bonus for the year 1987 and onwards. Accordingly it was prayed that necessary direction in this regard be given to the management.

4. The concerned workmen have also given out and referred to a number of letters which are annexures of this reference whereby the interim relief were also to be included for the purpose of computation of the bonus.

5. The management on the other hand has refuted all the claims and it was specifically stated that interim relief was neither the part of the salary nor the part of the D.A. and therefore the same could not be calculated for fixation of bonus. The management also had referred to some documents in support of their claim. The management examined one Shri B. P. Singh, MW-1 who is Senior Manager, Magadh Gramin Bank, Gaya. He stated that the Punjab National Bank is the sponsoring Bank of Magadh Gramin Bank and necessary guidelines are always sought from Punjab National Bank. Punjab National Bank had given direction to Magadh Gramin Bank Gaya in the year 1987 for the purpose of computing the bonus for the year 1987 and as per guideline the interim relief was not to be added for the purpose of computation of bonus. The witness further stated that Pay and D.A. and other relief

granted to the State Government were also available to the employees of Magadh Gramin Bank in the year 1987. According to him Magadh Gramin Bank was not bound to follow the guideline of other sponsoring Bank in this regard. He stated that action of the management as per reference was quite justified.

6. Ext. W-1 and W-2 are the Staff Department Circular No. 10/87 and 20/88 whereby the interim relief was granted to the employees of Magadh Gramin Bank. Ext. W-3 (Annexure-II) is the staff department circular No. 6/88 dated 22-4-1988 whereby only the basic pay, D.A. and special allowances were included as salary or wages for the purpose of computation of Bonus. However, the interim relief was not included in the salary. Ext. W-4 is the letter written by LEO(C) Gaya to the Chairman, Magadh Gramin Bank regarding the payment of bonus. It is dated 5-5-1988. In this connection the letter referred to a circular No. 10/88 dated 7-4-1988 issued by the Chairman, Nalanda Gramin Bank whereby interim relief was also included for the purpose of bonus. In this connection we may refer to a circular No. 12/88 dated 24-5-1988 (M-3) by the same bank whereby the previous circular No. 10/88 dated 7-4-88 was withdrawn and there was an order for recovery of the excess amount paid to the employees. By the circular No. 12/88 it was made clear that bonus will not be paid on the basis of interim relief.

7. Ext. W-5 and W-6 are the letters from Ranchi Kshetriya Gramin Bank and Saran Kshetriya Gramin Bank respectively showing that interim relief were included for the purpose of computation of the bonus. In this connection the management has to say that these Banks are guided by other sponsoring bank and the present management has nothing to do with the circular of these banks. The management has also filed some documents which can be taken into account. Ext. M-1 is the memo dated 2-12-1988 of the Govt. of Bihar concerning the interim relief. It has been clearly stated that the interim relief is neither pay nor the D.A. Similarly through the notification dated 24-12-1986 (Ext. M-2) it was made clear that interim relief was neither the pay nor the D.A. Punjab National Bank vide its letter No. PRB/Misc/77 dated 12-8-1988 and 20-9-1988 (Ext. M-5 and M-6) has advised the Magadh Gramin Bank that interims of the provision of the payment of Bonus Act, the basic pay, DA and special allowance paid to the employees on permanent basis are to be taken into account for the calculation of bonus payable to the employees. It was clearly stated that the interim relief paid to the employees pending revision of the scale of pay cannot be termed as allowance paid on permanent basis to them as the said interim relief is to be withdrawn once the revision of pay is affected.

8. I have considered this aspect of the matter and in my view the management of the Magadh Gramin Bank, Sondhia House, Katari Hill Road, Gaya is justified in not including interim relief and other allowances for the purpose of computation of bonus for the year 1987 for their employees.

This is my Award.

B. RAM, Presiding Officer.

नई दिल्ली, 3 सितम्बर, 1992

AND

का. आ. 2471:—औद्योगिक विवाद प्रतिनियम, 1947 (1947 का 14) की धारा 17 के अनुसूच में, केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अतुल्य में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधि-करण व श्रम न्यायालय कानपुर के पंचपद को प्रकाशित करती है, जो केन्द्रीय सरकार को 2-9-92 को प्राप्त हुआ था।

[गठ्या एन-12012/390/86-डीII (ए)]

मुभाप चन्द शर्मा, डेस्क अधिकारी

New Delhi, the 3rd September, 1992

S.O. 2471.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal-cum-Labour Court, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of State Bank of India and their workmen, which was received by the Central Government on the 2-9-1992.

[No. L-12012/390/86-DII(A)]

S. C. SHARMA, Desk Officer

ANNEXURE

BEFORE SRI ARJAN DEV, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, PANDU NAGAR, KANPUR

Industrial Dispute No. 86 of 1987

In the matter of dispute :

BETWEEN

Sri Suresh Kumar Dixit,
C/o Shri V. N. Sekhari,

26/104, Birhana Road,
26/104, Birhana Road,
Kanpur.

The Branch Manager,
State Bank of India,
Swarup Nagar, Kanpur.

AWARD

1. The Central Government Ministry of Labour vide its notification No. L-12012/390/86-D.II(A) dated 14-7-1987, has referred the following dispute for adjudication to this Tribunal :—

“Whether the action of the management of State Bank of India, Kanpur, in terminating the services of Sri Suresh Kumar Dwivedi, Messenger w.e.f. 24-8-1985 is justified? If not, to what relief the workman concerned is entitled?”

2. In this case the workman is not coming forward for his cross examination despite sufficient opportunity which was given to him. On 13-7-1992, application for adjournment moved by one Sri D. D. Mehta was rejecting finding no sufficient ground. On 6-7-1992, the case was adjourned for the cross examination of the workman to 13-7-1992 with the specific orders that this will be the last opportunity for the workman.

3. On 13-7-1992, the workman did not turn up for his cross examination. As said earlier the application for adjournment was rejected by me. Thus it appears to me that the workman is not interested in prosecuting his case.

4. Therefore, in view of the discussions made above, a no claim award is given in the case against the workman.

5. Reference is answered accordingly.

ARJAN DEV, Presiding Officer.